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Fifty-ninth year

Provisional

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Monday, 12 January 2004, 10 a.m.

New York

President:	Mr. Muñoz	(Chile)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Trautwein
	Pakistan	Mr. Akram
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Konuzin
	Spain	Mr. Arias
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Holliday

Agenda

Threats to international peace and security caused by terrorist acts

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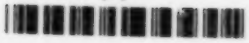

The meeting was called to order at 10.20 a.m.

Expression of welcome to the new members of the Security Council and of thanks to the outgoing members

The President (*spoke in Spanish*): As this is the first meeting of the Security Council this year, I extend to all members of the Security Council, the various organs and staff of the United Nations and the Secretariat in general my sincere wish that the new year will be a fruitful one and one of greater peace and development.

On behalf of the Council, I extend a warm welcome to our new members: Algeria, Benin, Brazil, the Philippines and Romania. We are certain that they will contribute positively to the work of the Council. We are confident that the experience and wisdom of their Permanent Representatives will help the Council to discharge its enormous responsibilities.

I should like to take this opportunity to express the Council's deep gratitude to the outgoing members — Bulgaria, Cameroon, Guinea, Mexico and the Syrian Arab Republic — for their important contributions to the business of the Council.

Since we are speaking of the elected or non-permanent members, I should like to mention, merely as an anecdote, that on this date, 12 January, in 1946, non-permanent members of the Council were elected for the first time by the General Assembly. This is therefore an especially propitious date for us to refer to the non-permanent members of the Security Council, which, together with the permanent members, are upholding the principles of the Charter and the objectives of peace and security.

Expression of thanks to the retiring President

The President (*spoke in Spanish*): As this is the first meeting of the Security Council for the month of January, I should like to take the opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Stefan Tafrov, Permanent Representative of Bulgaria to the United Nations, for his service as President of the Security Council for the month of December 2003. I am sure I speak for all members of the Council in expressing gratitude to Ambassador Tafrov for the great intelligence with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

The President (*spoke in Spanish*): I should like to inform the Council that I have received letters from the representatives of Indonesia, Ireland, Japan, Liechtenstein, Switzerland and the Syrian Arab Republic, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Jenie (Indonesia), Mr. Ryan (Ireland), Mr. Haraguchi (Japan), Mr. Wenaweser (Liechtenstein), Mr. Helg (Switzerland) and Mr. Mekdad (Syrian Arab Republic) took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Spanish*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2003/1070, which contains the text of a letter dated 1 December 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban and associated individuals and entities, transmitting the second report of the Monitoring Group pursuant to resolution 1455 (2003).

I shall now make a report in my capacity as Chairman of the Security Council Committee established pursuant to resolution 1267 (1999).

In my capacity as Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban, I will provide the Council with the second oral assessment, pursuant to paragraph 14 of resolution 1455 (2003), of the implementation by Member States of the Council's relevant measures — the arms

embargo, assets freeze and travel ban targeting individuals and entities belonging to or associated with Al Qaeda or the Taliban — that are included in the consolidated list maintained by the Committee.

Given the scope of its content and as agreed by the Council in its prior consultations, this assessment will also serve as the fourth 90-day report on the work of the Committee and the Monitoring Group, which is also called for in resolution 1455 (2003).

Our main task was to conduct a substantive review of Member States' implementation of the sanctions measures imposed on Al Qaeda, the Taliban and individuals and entities associated with them. It has indeed been a busy year. The Committee met 34 times informally and four times formally. Our activities were diverse. New names were added to the Committee's consolidated list. The analysis of States' reports continues, despite the disappointing response rate, including through the Committee's more targeted approach to key themes. Finally, our ability to assess implementation on the ground has been enhanced by the work of the Monitoring Group and through my and Committee members' travel to selected States.

As envisioned in the resolution, today's assessment is based, at least to some extent, on the reports submitted by Member States pursuant to paragraph 6 of resolution 1455 (2003). The Committee appreciates the fact that many States have submitted their reports and is particularly pleased that some have provided comprehensive reports in accordance with the reporting guidelines. However, the fact that only 93 such reports have been submitted to the Committee to date presents a severe limitation. I will return in a moment to that issue, but I would first point out that these reports are one of many important facets of international cooperation in the fight against Al Qaeda and the Taliban, just as they serve as only one of several components used in assessing Member States' implementation of the Council's measures.

The Monitoring Group monitored States' implementation of the resolution through its visits to selected countries and establishing contacts with Government officials and others responsible for sanctions implementation. The findings of the Group are reflected in its reports, mainly in appendix VI of S/2003/1070, issued last December.

In the view of the Committee, the reports were intended to provide a channel of communication between it and Member States. My visits to selected countries also provided another important avenue for dialogue that, in certain respects, has proven even more effective, as it is based on personal interaction and provides an opportunity for the States visited to ask questions and to learn more about the Committee's work, which in turn can be beneficial to the work of the Committee.

In October and December 2003, I undertook two separate visits to selected countries pursuant to paragraph 11 of resolution 1455 (2003). During those two missions, I visited 10 countries in the Arabian Gulf, Europe, West Asia and South-East Asia.

At some destinations, I was accompanied by other Committee members or members of the Monitoring Group established pursuant to resolution 1363 (2001). In planning my itineraries, we selected States that represented different regions and political systems, rather than based on any other criteria. The purpose of these missions was to enhance Member States' full and effective implementation of the measures put in place by the Council.

I wanted to gain a firsthand understanding and to learn more about how the sanctions are being implemented on the ground, so as to better perform my functions as Chairman. Reaching one of these goals entailed establishing a dialogue with States and thus acquainting myself with the positive results as well as the concerns encountered in implementing the measures.

I consider that both missions were largely successful in accomplishing these goals. In each country I visited, I had extremely fruitful meetings, along with the team that accompanied me, with officials who were aware of the importance of, and were actively engaged in, addressing the threats posed by Al Qaeda and the Taliban. While I feel that my visits helped the authorities concerned to better understand the Committee's work and objectives through my reports, the Committee also learned something in each country we visited about how the States concerned are taking steps to implement the measures and otherwise address the threats of terrorism.

As one of my goals was to return from my travels with ideas for improving the existing measures, I am pleased that the Committee finds the recommendations

contained in my reports useful for assisting the Council in this regard.

Since I have already had the opportunity, on 24 October and 12 November, to fully brief Council members on the visits I undertook in October, I will only touch upon some of our findings during the second mission, as they relate directly to today's assessment and to the current and future work of the Committee.

Among the many topics I discussed in Europe, the most prominent are the following: the definition and freezing of non-financial and other economic resources pursuant to the resolution; the challenges posed in implementing the travel ban; and concerns regarding the Committee's consolidated list, human rights and due process. In some cases, the States I visited had serious reservations regarding such topics and our visit permitted us to have detailed discussions, which were subsequently reported to the Committee so that the Security Council experts might take these concerns into account in preparing future resolutions.

The difficulties entailed in maintaining and administering non-financial assets such as motor vehicles or real estate were also discussed in detail, and some of the States and institutions I visited are continuing to work hard to find ways to define such assets and to freeze them while at the same time permitting their continued operation under a provisional caretaker system.

The successes that States have achieved in implementing the measures including newly adopted administrative or legislative enactments were also discussed in all the countries I visited. For example, concerns that had been highlighted by the Committee and its Monitoring Group had led some countries we visited to strengthen their financial intelligence units, with one country instituting the use of forms verifying the identity of beneficial owners and the nature of the assets. One State visited informed us that property had been frozen pursuant to the Council's relevant measures, and I encouraged the authorities of that State to submit an addendum to its implementation report on this matter, so that other States could see an example of how to proceed in similar cases.

In at least one of the States visited, I was informed that several banned entities had resurfaced with new names that had been detected by the authorities. Also, one frontline State in the fight against terrorism provided us with detailed information on actions taken and resources committed to secure its borders to prevent infiltration by listed individuals or their associates. In this connection, I was told that any implementation failure was one of technical capacity and not of political will.

While several authorities mentioned the difficulties encountered because of insufficient information provided for some individuals on the list, we were nevertheless assured that the list was promulgated, and in one country visited we were given a copy of the legal instrument by which this was done.

Several countries visited described how their domestic legal frameworks had been improved, including through the preparation or enactment of new legislation to fight money laundering. Valuable information on how some States are handling the question of charities was also gained and shared with the Committee members. We were cautioned against assuming that all charities were involved in terrorist financing and informed of legitimate charities that had been hurt by restrictions. We were also told that many donors appreciated knowing that steps had been taken to ensure that their donations would go only to legitimate causes.

We also engaged in interesting discussions regarding alternate remittance systems, which touched upon the necessity of providing legitimate and efficient alternatives for the traditional users of those systems. Some countries are beginning to find adequate answers in this regard.

An overarching theme that kept recurring in different States was the vital necessity of improving international cooperation in various areas. States conducting investigations need to be able to make contact with States that might have evidence that would further the investigation. States that control *hawaladars* within their territory need to cooperate with the States where such transfers are destined. States that offer offshore financial services need to cooperate with countries where the beneficial owner or entity resides, to ensure that no financial resources can be used to support terrorist activities.

The list goes on and on, and I think that these visits help to bring such needs to the attention of the Security Council. I also hope that such visits serve as an indication to all Members that the Committee

recognizes the need for cooperation and at the same time seeks reports from States to further its work.

I would also say that a proof of the cooperation that my visits helped to foster is the clear commitments that were made by the authorities in several States to provide additional information, including updated country reports and names of individuals and entities belonging to or associated with Al Qaeda or the Taliban, for inclusion in the consolidated list. At least one report promised to the Committee during my travels was in fact delivered before the end of last year.

I also feel that the visits served as a catalyst to bring ministries and other agencies into action. By virtue of holding substantive meetings with authorities with diverse portfolios on consecutive days, I could see that dialogue and coordination between those groups had often begun even before my departure.

Regarding the implementation reports submitted by Member States, the majority of these followed the guidelines of the Committee in formatting their responses. It was evident from the analysis of the reports that not all questions were relevant for all States. It would be more advantageous to adopt a more precise approach towards submitting reports, and that may be reflected in the future work of the Committee.

With respect to the lack of information on names of persons and entities included on the consolidated list, Member States must also play an important role in that regard. I used my visits to urge States to submit additional names and identifying data so as to enhance implementation.

A review of the reports received to date indicates that many States have taken positive steps — including the adoption of special legislation — to curb the financing of Al Qaeda's activities. Various countries are in the process of improving their legislative capacity to ensure compliance with the law. However, there are still some States that fail to show the same preparedness.

As verified on my recent travels, the reports submitted indicate that one of the areas needing improvement is the freezing of assets other than bank accounts. That might be addressed by requesting States to take a more proactive approach in locating and freezing such assets. Where that is not possible because of lack of an adequate legal framework, we should encourage and assist States in establishing the needed legal provisions, providing assistance as necessary. In that regard, it would be useful to promote greater cooperation in the area of international financial regulatory institutions, as well as cooperation aimed at universal ratification of the International Convention for the Suppression of the Financing of Terrorism.

Cash flows to finance terrorist activities remain a problem. However, during my visits, we received interesting proposals to deal with this aspect of terrorist financing. In addition, we must undertake new efforts to cut the growing links between drug trafficking and terrorist financing.

Full implementation of the travel ban depends fundamentally on the quality and credibility of the list. In general, State reports highlighted the list's shortcomings and the difficulties encountered by those States in implementing the travel ban. Approximately one third of the States that have submitted reports have still not incorporated the list, or any parts of it, into their national watch lists. The main reason put forward is a lack of data to identify individuals. Only half of the States reported that they were regularly transmitting the updated list to their border control authorities and that they also had the capacity to carry out electronic searches. Here, one should indicate that several States have requested financial and technical assistance to upgrade their border control facilities.

In order to more effectively implement the travel ban, we could undertake two measures: improving the list and increasing the technical capacity of States. The first would resolve a problem cited by many States — not listing individuals at their border entry and exit points because of insufficient identifying data; the second would address some States' lack of capacity to monitor their borders.

The reports received indicate that, of all the measures in the sanctions regime, the arms embargo is the most difficult to implement. Generally, the possession, manufacturing and sale of arms are seen as matters of national security, making it difficult to assess the effectiveness of this crucial measure.

Analysis of the reports revealed differing interpretations of the scope of the arms embargo. The information provided on the arms embargo referred mainly to conventional arms, indicating that the measures in place may not be sufficient to monitor dual-use technologies and other sensitive material that may be used to develop weapons of mass destruction.

That was observed primarily in reports from States that are not parties to the multilateral export control regimes. In contrast, approximately one third of the States submitting reports provided data on export control measures related to sensitive technologies and dual-use goods, reflecting the awareness-raising and regulating effects of multilateral cooperation.

In order to addressing those shortcomings, we need to define the arms embargo in a more specific and targeted way including the specific mention of goods and materials related to weapons of mass destruction to deal effectively with the new reality represented by the methods of terrorist warfare carried out by Al Qaeda and the Taliban. In addition, the best way to avoid the diversion of weapons and dangerous material to Al Qaeda is to strengthen cooperation at the regional and international levels. It is also essential that all States ratify and comply fully with arms-related international conventions.

To date, a total of 93 reports have been submitted under resolution 1455 (2003). It must be emphasized that 98 States — 51 per cent — have not submitted a report. Of that number, 17 States had previously submitted a report under resolution 1390 (2002). The fact that reports have been submitted by less than half of Member States has seriously hampered the Committee in accomplishing its task of carrying out the requested assessments. The Committee remains determined to complete the written assessment called for by the resolution, and we intend to analyse and address the reasons why some States have not submitted reports. I also feel that we should identify such States as having failed to comply with Security Council resolutions.

Moreover, the Committee analysed possible reasons why there are States that have not submitted reports. In addition to a possible lack of political will, other possible factors have been identified, such as reporting fatigue, a lack of resources and technical capacity, and coordination difficulties at the national level. It is also possible that some States have considered the submission guidelines to be too detailed and, in some cases, inapplicable to their situation. In that respect, however, I wish to stress that twice, in July and November 2003, the Committee requested such States to provide it with explanations to identify possible problems and difficulties that they were facing in order to assist them or to improve the current sanctions regime.

Both the Committee and I sought to be receptive and proactive in carrying out our task in 2003. The number of meetings held and the variety of issues considered reveal the importance we attach to our work and reflect the complex and delicate nature of the issues that we are charged with addressing, analysing and assessing on behalf of the Security Council. We have also tried to be frank, direct and objective within the Committee and with Member States.

After all, the threat represented by Al Qaeda and the Taliban — especially the threat of Al Qaeda, whose gravity is all too evident, as shown by the tragic terrorist attacks, which unfortunately continue — must remain a top international concern, for obvious reasons. In that connection, the Committee's work in 2004 will continue to have as its principal objective ensuring that all States remain focused on the problem of terrorism and that national counter-terrorist measures include appropriate policies and actions.

We hope that this year will also be one of great activity based on direct dialogue with Member States to improve our common activities. The Committee will continue to take a proactive approach to its work — one that is marked by transparency and responsiveness. In that connection, we will continue to enhance our guidelines and working procedures, and would welcome any useful ideas that Member States may wish to contribute in this respect.

The Committee is also committed to keeping open the channels of communications with all Member States, as well as with regional and technical organizations. We plan to hold periodic open briefings for all States on the Committee's work in order to facilitate further dialogue. In addition, the Chairman, the members of the Committee and the Secretariat will be always ready to clarify questions and provide assistance, as far as we are able.

The authorities of several States that I visited suggested that it would be useful to obtain the names and contact information of those in capitals or other locations who are responsible for implementing sanctions measures, in order to expedite and focus the exchange of information.

With regard to cooperation, we have been discussing the possibility of inviting, when we consider it appropriate, experts from States and regional organizations, including private and academic organizations, to brief the Committee in areas related

o our work. We have also been considering the ossibility of enhancing cooperation with the nternational Criminal Police Organization, which will e very useful for our work on the consolidated list.

We remain convinced of the necessity of ontinuing to enhance our cooperation with the ounter-Terrorism Committee, and we have many deas that we will be discussing with our colleagues here with a view to achieving concrete results during he course of this year.

We will continue to make visits to various States, nd we also plan to visit a number of different eographical areas. The new draft resolution should eflect many of these objectives, as well as, we believe, he close dialogue we enjoyed with Member States in 003. As our work becomes more focused, we believe hat a similarly frank exchange in New York and in apitals will help to move the international ommunity's counter-terrorism efforts forward.

International terrorism sponsored by Al Qaeda nd those associated with it continues to pose one of he greatest threats to international peace and security. very means should be used to combat that threat, at oth national and international levels. The United Nations and its relevant bodies can coordinate their efforts to play a crucial role in this endeavour. The success of their work will depend on the tangible contribution of each and every Member State. I would ike to take this opportunity, as Chairman of the Al Qaeda and Taliban sanctions Committee, to appeal to States to continue to provide full support to the Committee, which is resolutely determined to achieve further progress towards our common goal to make the world free from any threat or act of terrorism.

In conclusion, I would like to thank every member of the Committee and those who accompanied me in my various travels to the countries of Member States. Committee members actively participated with me and my team in a spirit of trust and cooperation as we carried out our many tasks. We would also like to hank the Monitoring Group for its valuable cooperation. In particular, I would like to express my gratitude for the hard work, professionalism and dedication of the Secretariat, especially the sanctions ection of the Security Council, without whose valuable and unconditional support we would not come as far as we have in achieving our objectives.

I now resume my functions as the President of the Security Council.

I shall call first on those Council members who have asked to speak. The first speaker will be Ambassador Holliday of the United States, whom I welcome to his first meeting of the Security Council.

Mr. Holliday (United States of America): Thank you, Mr. President, for having presented an instructive briefing on the overall work of the sanctions Committee established pursuant to resolution 1267 (1999) on Al Qaeda and the Taliban. It has clearly been a busy year for you, Sir, and for all delegations, as well as for the Secretariat and the Monitoring Group. The frequency of meetings reflects both the importance and the complexity of the Committee's tasks. Members of the Committee, the Secretariat, Chairman Muñoz and his assistant, Carla Serazzi, have worked especially hard to meet the challenging time line and expectations laid out in resolution 1455 (2003) — a demanding resolution. We appreciate that hard work and your leadership, Mr. President.

The United States considers the Committee established pursuant to resolution 1267 (1999), which you chair, Sir, to be a central component of the international community's counter-terrorism efforts. Freezing terrorist assets in particular, via the Committee's consolidated list, remains a top Government priority. But we must focus on more than just bank accounts. We must keep our attention on the other ways in which terrorists move funds, including through informal money-transfer systems and via certain charities. Finding, following and freezing terrorist assets requires vigilance and creative enforcement approaches. We are pleased that the Committee intends to pursue a more in-depth analysis of these topics, among others, in the coming year, including through more visits to selected States and direct dialogue in capitals.

We believe that it is, indeed, time for the Committee's work to become more focused. The new draft resolution, on which we are currently working with the Chilean and Russian delegations and which we expect to present soon, will reflect that. We look forward to constructive negotiation that is in line with the importance that all members attach to more effectively combating the Al Qaeda threat to international peace and security.

The United States position in this is straightforward. Counter-terrorism expectations for States should be set high, not low. In order for the Committee's future work to take on greater relevance, it must be able to explore key issues and examine Al Qaeda hotspots in more detail. We should not pretend that all States and all issues pertinent to the work of the Committee are equally relevant; they are not. Some States and some issues warrant closer Committee attention than others. The Committee's resources will be best spent where they are most needed.

We strongly encourage willing and able States to do more. My own Government is included in this group. The United States can do better, for example. We are still learning how best to address possible terrorist threats at our borders, in our skies and across our territory. Recent revisions and procedures at our border entry and exit points underscore the seriousness with which, given the shifting threats, we believe that new actions are needed. We remain concerned about security at our ports and at those of other States that do business across the oceans with us. Our container security initiative has been established to raise the level of accountability regarding cargo shipments moving in and out of our seaports.

We also realize that coordination with our geographical neighbours, Canada and Mexico, must be supplemented by robust international cooperation that extends beyond our physical boundaries. Joint police work and intelligence-gathering are central to all of our efforts to identify Al Qaeda terrorists and to take the necessary preventive actions.

The United States remains strongly committed to helping willing but currently unable States to achieve greater counter-terrorism successes. Increased assistance and capacity-building are key in this effort. Here the Committee established pursuant to resolution 1267 (1999), in close coordination with the Counter-Terrorism Committee, can match needs with resources.

However, we must also recognize and not sidestep a fundamental distinction. Unwilling States, if any, that lack sufficient political will to address the Al Qaeda threat must first be encouraged and, if necessary, later pressured to do more. We the Security Council would be negligent in our duties if we were to allow any weak links to undermine our shared counter-terrorism objectives. Al Qaeda would surely exploit them.

The United States, too, is disappointed that only 93 States — less than half of United Nations Members — have so far submitted the reports called for under resolution 1455 (2003), an issue we have formally raised bilaterally in relevant capitals. Without this information, the Committee is greatly hindered in its work. While so-called reporting fatigue may be a very real issue in some capitals, excuses should never lead to a less than robust approach regarding the ongoing Al Qaeda threat and compliance with Security Council-mandated counter-terrorism obligations. Our draft resolution is designed to address this problem and prompt better outcomes.

Finally, Ambassador Muñoz today has helpfully framed where concrete progress has been made to improve United Nations Members' implementation and sanctions measures.

Solid counter-terrorism work is evident in many parts of the world. However, it is clear that much more remains to be done. Ambassador Muñoz has rightly and frankly identified the challenges ahead. We must not lose sight of our shared goal in this regard.

The bottom-line message is that our work and that of the Committee is far from over. Almost a year ago, at the counter-terrorism ministerial convened in this very Chamber, Secretary Powell underscored the commitment of the United States to the international community's efforts to address the Al Qaeda danger. Our efforts, he emphasized, should not come to an end until the terrorism threat no longer remains.

Let us all work together so that that day will come sooner and not later, via concrete efforts, full cooperation with this Committee and in other multilateral frameworks, and not least through sufficient political will and demonstrated national priorities across the world's capitals.

The United States will do its part. We encourage other Governments to do theirs, and, acting together, we will succeed.

The President (*spoke in Spanish*): I thank the representative of the United States for the kind words he addressed to me.

Mr. Trautwein (Germany): Let me first congratulate you, Sir, on your assumption of the presidency of the Security Council in the first month of the new year. We wish you all the best. We also welcome the new members of the Council, and my

egation promises to cooperate fully and a very structive way with all our new colleagues.

The United Nations sanctions regime targeting mbers or associates of Al Qaeda and the Taliban nains a major tool for combating terrorism on a bal scale.

My delegation thanks you, Sir, as Chairman of Committee, for your comprehensive and detailed ort, whose conclusions and recommendations we ly support. We also commend you, Sir, for your sonal dedication and tireless efforts to improve the tem, in close cooperation with all partners.

In particular, we appreciate the recent visits made several Member States, including my country. The stantive discussions held and the tangible results ieved reassured the countries visited that the mmittee's work is based on an effective, even-nded and transparent approach.

Dialogue was also intensified by inviting some erested Member States to present their views ectly in a meeting of the Committee and also by ding today this second public meeting of the uncil dealing with the Committee's work. We lcome the announcement to hold periodic briefings en to all States on the Committee's activities.

Thus, through several initiatives, you, mbassador Muñoz, have succeeded in setting high ndards for strengthening the Committee's profile as rusted partner.

We would like also to thank the Monitoring oup, led by Mr. Michael Chandler, for the stantive findings and recommendations contained in latest report. They deserve thorough analysis and ould be duly reflected in the upcoming draft olution.

We join the Chairman in his appeal to those mber States which, regrettably, have not fully and actively cooperated with the Committee to make ewed efforts to do so, including by submitting long-standing reports.

We also express our gratitude to Ambassador ñoz and to the representatives of more than 30 mber States, as well as to the staff of the Secretariat, their active participation in the seminar on errorism and Targeted Sanctions — Shortcomings d Possible Remedies for Individuals and Entities", which was organized last November as a joint initiative by the European Union, Sweden and Germany.

The seminar explored ways to introduce at least some elements of due process into this sanctions regime in order to avoid the targeting of innocent individuals. These measures would, to our understanding, increase the system's credibility and effectiveness.

To conclude, I would like to underline the fact that Germany fully subscribes to the forthcoming statement by the representative of Ireland, speaking on behalf of the presidency of the European Union.

The President (*spoke in Spanish*): I thank the Ambassador of Germany for the kind words he addressed to me.

Mr. De La Sablière (France) (*spoke in French*): As this is the first time that I am speaking in a public meeting this month, I should like first to congratulate you, Sir, on your assumption of the presidency of the Security Council and to echo the sentiments that you expressed about our colleague Ambassador Tafrov, whose presidency during the month of December was deeply appreciated. I should like also to welcome the newly elected members of the Council.

I should like to thank you, Mr. President, for the briefing you have just given us in your capacity as Chairman of the Security Council Committee established pursuant to resolution 1267 (1999). We listened to it with great interest, as it reflects very dedicated and productive efforts, for which we thank you and which, I am certain, will collectively benefit us all.

Today we have all reached the same conclusion — namely that the multifaceted threat posed by Al Qaeda and the Taliban persists. The centralized organization that planned the attacks of 11 September has given way to local groups — separate but following the same ideological approach — which are increasingly aiming at so-called soft targets. That network exploits Member States' systemic weaknesses, and no country today is safe from it.

To combat the Taliban and Al Qaeda, we have been developing, since 1999, a sanctions regime pursuant to resolution 1267 (1999). We can see that that regime has, year after year, gradually been strengthened, but the main problem — as underlined today by the Chairman of the Committee — is the lack

of, or insufficient, cooperation by many Member States. I am really quite surprised to see that fewer than half of the States Members of the United Nations have met their obligation to respond set out in resolution 1455 (2003) of January 2003. That is a real problem. Each one of us must recognize the importance of these reports in intensifying the fight against Al Qaeda. As the Chairman told the Council, the Committee, for its part, stands ready to help Member States that are encountering special difficulties. It can respond on a case-by-case basis to questions on the implementation of the sanctions regime and on how to prepare and submit reports.

For its part, the Security Council must ensure that the sanctions regime and conditions for its implementation advance in a regular fashion. The Council's dialogue with Member States, visits on the ground by you, Mr. President, and by the Chairman of the Monitoring Group and analysis of the threat's developments provide the Council with information on areas where progress is required. In that regard, I wish once again to thank you and the Chairman of the Monitoring Group for your recommendations to improve the present mechanism.

We believe that such modification of the sanctions regime on a regular basis is vital to making its action as effective as possible. For that reason, we unanimously agree to take the time, once a year, to reconsider in a serious and thorough manner the mechanism to fight Al Qaeda. Obviously, it is not a question of freezing it in place but of improving it on each occasion. That is the sense of operative paragraph 2 of resolution 1455 (2003). The contacts we have had reveal that most members we have contacted wish to maintain that agreed language. That is a very good thing for the effectiveness of the fight against terrorism.

A discussion is now going to be undertaken to review the sanctions regime. It is our wish that the discussion should focus on concrete issues in order to improve effectiveness through implementation of resolution 1267 (1999), in the determined fight against Al Qaeda and the Taliban.

Mr. Zhang (China) (*spoke in Chinese*): At the outset, I congratulate you, Sir, on your assumption of the presidency of the Council for this month. We are convinced that under your able leadership, the Council will achieve fruitful results. I also take this opportunity to welcome the five new members to the Council: Algeria, Benin, Brazil, the Philippines and Romania. China looks forward to working closely with the new members to better promote the Council's efforts to maintain international peace and security.

I thank you, Mr. President, for your presentation as Chairman of the 1267 Committee. We note with satisfaction that, under your able leadership, over the past year the Committee has had fruitful results in ensuring implementation of resolution 1455 (2003), including the improvement of the operability of the consolidated list and the modification and ramification of the guidelines and working procedures. It deserves to be mentioned that, as Chairman of the Committee, you, Sir, have made two trips to the countries concerned despite the fatigue of travelling, in order to get first-hand information and to promote the resolution's implementation. In addition, you have made timely briefings to the Council. It is no exaggeration that the Committee, through its hard work, has already become an indispensable part of international counter-terrorism efforts.

Despite the enormous progress in international counter-terrorism efforts and despite the heavy blows to Al Qaeda and the Taliban, they are still in existence, and in some regions, there are still signs of the activities being carried out by Al Qaeda. The terrorism threats also have new characteristics. Therefore, the 1267 Committee still faces an arduous task. In order to better respond to a changing reality, it is imperative to strengthen the work of the Committee and to improve the sanctions regime.

I wish to make three comments. First, combating Al Qaeda, the Taliban and associated individuals and entities is in the common interest of the international community. The implementation of sanction measures depends on the common efforts of all Member States. We hope that all countries concerned will continue to support the work of the Committee and submit their country reports in a timely manner. The Committee and the expert mechanism should enhance their cooperation with the Governments in order to better understand their difficulties in implementing the resolutions and to provide the necessary help. Some countries wish to receive financial and technical assistance in their efforts to implement the sanctions. Those requests deserve the Committee's thorough consideration.

Secondly, the consolidated list is a foundation of the sanctions. Measure should be taken to improve their operability. The Committee should encourage all countries to submit lists of names and relevant information in order to make the list more comprehensive and to maximize coverage of Al Qaeda, the Taliban and associated individuals and entities. At the same time, the expert mechanism of the Committee, when assessing implementation of the Council's resolutions, should do its best to make sure that the information used is accurate and complete.

Thirdly, we support further coordination and cooperation between the 1267 Committee and the Counter-Terrorism Committee, which should complement one another. We are also in favour of continuous contact and communication between the 1267 Committee and the relevant international and regional organizations in order to explore opportunities for cooperation on sanctions. We look forward to consultations with the parties concerned on the new draft resolution on improving the sanctions regime. We hope that consensus will soon be reached in order to send the international community a very strong signal on counter-terrorism.

As always, China will fully support and participate in the work of the Committee and will make ongoing contributions to the campaign against Al Qaeda. The Government and people of China have been fighting against the terrorist organization in eastern Turkistan, which constitutes an important part of the international efforts in counter-terrorism and the fight against Al Qaeda. We therefore believe that counter-terrorism in China will continue to gain the understanding and support of the international community and all countries concerned.

Before concluding, I wish to say that I endorse what you, Sir, have said in thanking the outgoing members of the Council.

Mr. Baali (Algeria) (*spoke in French*): First, allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council and on the praiseworthy manner in which you are leading the Council's work. I also thank you and all members of the Council for the welcome and assistance that the Algerian delegation has received at the beginning of its term on the Council. I assure you of our full cooperation as you carry out your mandate.

I thank you, Sir, for the excellent briefing you have just given the Council as Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and for your visits in October and December 2003 to various countries, and appreciate the work of the Committee and Monitoring Group, as required by resolution 1455 (2003).

We appreciate the efforts and the role played by the 1267 Committee in combating terrorism, in particular the consolidated list it has elaborated, which constitutes an important instrument in our common struggle against this phenomenon.

We note, however, that only 371 names of individuals and entities are listed, a meagre few in comparison to the very high number of individuals and organizations linked to the Al Qaeda network. This, we believe, is due, on the one hand, to the reluctance of some States to communicate names to the Committee, preferring a bilateral exchange of information, and, on the other, to the difficulties encountered by those that have chosen to cooperate with the Committee in adding names to the consolidated list, due to the disinclination of some States members of the Committee to acknowledge evidence of the existence of links between certain individuals and terrorist groups and the Al Qaeda organization.

In that connection, we call for enhanced transparency in the Committee's work and working methods with a view to ensuring the objective and speediest possible consideration of the lists of individuals and terrorist organizations submitted by States that are in a position to encourage more recalcitrant States to cooperate further with the Committee.

We concur with the opinion of the Chairman that reports submitted by States pursuant to paragraph 6 of resolution 1455 (2003) are an important aspect of international cooperation in combating Al Qaeda and the Taliban, just as they help to assess the implementation by Member States of Security Council resolutions. We understand the travels of the Chairman of the Committee to be an initiative designed to strengthen the effective and complete implementation of measures established in Security Council resolutions and we therefore encourage him to pursue those travels, which are extremely useful in providing greater visibility for the Committee's work.

Although the number of reports submitted to the Committee has more than doubled since the adoption of resolution 1390 (2002), we note nevertheless that only 92 States have submitted their reports pursuant to resolution 1455 (2003). While we take note of the information that may underlie such lack of cooperation, and while we call on States that have not yet submitted reports to discharge their obligations, we hope that the Committee will consider in depth the issue of the failure of 99 States to submit reports and that it will draft a report containing a list of States that have not submitted reports and their motives or reasons for failing to cooperate with the Committee.

I also take this opportunity to thank the Monitoring Group for its role in the implementation of measures taken by States pursuant to Security Council resolutions. We hope for improved coordination between the Monitoring Group and the Committee with a view to enhancing its performance and to helping the Group to continue and improve its analytical reporting to the Security Council. We also hope that cooperation between the Committee established pursuant to resolution 1267 (1999) and the Counter-Terrorism Committee established pursuant to resolution 1373 (2001) will continue to improve, including through the creation of electronic databases containing information of all kinds provided by experts and members of the Committee or its Chairman following their travels in the field. We further call for enhanced cooperation between the Committee on sanctions against Al Qaeda and the Taliban and Interpol with a view to assisting the Committee better to discharge its mission with regard to the establishment and distribution of the consolidated list. Moreover, we encourage the Committee's Chairman and the Monitoring Group to pursue their visits to the field in order to assess the implementation of sanctions measures with regard to the travel ban, the arms embargo and the freezing of financial and economic assets.

I do not intend to enumerate here all the steps taken by my country to combat terrorism, but it would be useful to recall that Algeria has always fulfilled its obligations pursuant to Security Council resolutions and that it remains actively involved in the fight against terrorism at the subregional, regional and international levels. Thus, my country has already submitted three reports under resolution 1373 (2001) and two further reports under resolutions 1390 (2002) and 1455 (2003). In that regard, we assure the Security Council that my country will continue to work assiduously with the various United Nations bodies to combat terrorism.

Far from diminishing, the threats posed by terrorism, and especially by the Al Qaeda organization, to international peace and security have been neither isolated nor curbed, but rather have become more interconnected and transnational. Hence, the need to adopt a comprehensive and integrated approach that takes into account the political, diplomatic and operational dimensions, including legal assistance, cooperation in information exchange and the acquisition of specific equipment designed to thwart terrorism. The combat against terrorism must thus be part of an overall plan to encourage the emergence of a new system of collective security based on the principle of the indivisibility of security and on requirements both for security and for economic and social development. Stability and security are dependent on those requirements and no country by itself can ensure its own security, much less to the detriment of that of others. Thus, above and beyond the fact that our endeavour to combat terrorism must be undertaken in a spirit of transparency, impartiality and good faith, it must transcend the mere treatment of the phenomenon's symptoms and attack its root causes.

In conclusion, we hope that the resolution soon to be adopted will renew and improve those sanctions measures that have been imposed against Al Qaeda, the Taliban and individuals and entities associated with them. Only increased cooperation among States, international, regional and subregional organizations and the Committee established pursuant to Security Council resolution 1267 (1999) will allow us to ensure the effective implementation of the measures foreseen.

The President (*spoke in Spanish*): I thank the representative of Algeria for his kind words addressed to me.

Mr. Arias (Spain) (*spoke in Spanish*): I am most grateful for the complete and detailed briefing you have given us, Sir, on the work of the Committee established pursuant to resolution 1267 (1999). As the representative of Ireland will speak on behalf of the European Union, I shall confine my statement to a few brief comments.

The fight against terrorism is an absolute priority for Spain. Unfortunately, the threat posed by Al Qaeda and the Taliban continues to loom over us and all

tates must cooperate to eradicate it. Over the past ear, the 1267 (1999) Committee has made progress owards reaching its goals, but ultimate success will epend on the cooperation provided by all States. We herefore appeal to States that have not yet submitted ational reports to do so without delay.

We hope that the new resolution to replace esolution 1455 (2003) will improve the sanctions egime and help to strengthen communications and luid contacts between the Committee and all Member States and relevant organizations, as well as with the Counter-Terrorism Committee. Similarly, the ongoing fruitful travels of the Committee Chairman and the potential establishment of focal points will facilitate the much-needed exchange of information. Transparency must remain a key feature of the work of the Committee and the Monitoring Group or its successor. Both should act in close cooperation.

In 2004, we begin a new phase designed to give greater effect to the assets freeze, the travel ban and the arms embargo imposed on individuals and entities linked to Al Qaeda and the Taliban. Our accumulated experience should allow us to refine those measures and to continue to improve the consolidated list.

Sir Emyr Jones Parry (United Kingdom): As this is the first formal meeting of the year, I join others in wishing you every success in the chair and in thanking Ambassador Tafrov for the manner in which he conducted our business in December.

I would like to fully associate myself with the remarks that will be made in due course by the Irish ambassador on behalf of the European Union.

Your briefing, Mr. Chairman, and the work of the Monitoring Group are very welcome. Both outlined the significant progress made by the Committee in limiting Al Qaeda and the Taliban's ability to carry out terrorist attacks. But they also highlight the difficulties that Member States face in implementing the measures and, consequently, these measures" overall effectiveness. So it is encouraging, therefore, to hear you report on your visits, which have actually provided, face to face, a direct stimulus. That proactive approach is invaluable, not only in fact-finding, but also in encouraging Member States to implement the sanctions. It demonstrates that the Committee is here to help with implementation and that it should not be feared or ignored, as it sometimes may be.

I would like to briefly touch on four aspects.

First, I would like to mention the role of the Committee as a catalyst to encourage implementation. The Committee is faced with a huge task. It cannot and should not do this alone. The international community has many sources of assistance that can be used to help Member States implement the measures. The proposal for the Committee to enhance its cooperation with Interpol on the consolidated list is a good example. Other organizations can help in different ways. Because of their nature, regional organizations have a close relationship with their members and can do much to encourage implementation, especially if a lack of political will exists in some areas. International organizations that have developed codes and standards can help States to adopt them and, at the same time, the Committee should continue to directly help Member States with implementation.

Secondly, the provision of technical assistance is a key element in the fight against Al Qaeda. The Committee needs to be proactive in working with the international community to facilitate such technical assistance. Requests by Member States for assistance with needs identified by the Monitoring Group should be matched with potential donors. Again, it is a big task, but one where the Counter-Terrorism Committee, for example, has made good progress and would be in a position, we think, to help the Al Qaeda and Taliban Sanctions Committee develop similar methods.

Thirdly, we need to develop best practice for the implementation of measures. Mr. Chairman, I think you mentioned that a State has promised to send an addendum to its report outlining the actions it took to freeze given properties, which is a good example. With the help of the appropriate international organizations, perhaps some best practice could be developed to cover other areas, such as freezing other non-cash economic assets dealing with terrorist funding being channelled through charities or alternative remittance systems. All these are ways in which we could share the best of good practice.

Fourthly, if I could just touch on an issue raised in the consolidated list, the report suggests that the lack of names being put forward owes something to the perceived stigma of acknowledging that Al Qaeda or the Taliban might be present within the territory of a given country. Given the evidence that the Al Qaeda and Taliban network is truly world-wide, knows no

borders and has no nationality, the Committee should be absolutely clear on this point: there is no stigma attached to acknowledging the existence of this threat. Rather, acknowledging this is a sign that the State is serious about its commitment to fight terrorism. The State should partake in this effort and recognize what is happening on its territory.

Looking forward, this work, which is a matter for what I term the sister Committee on counter-terrorism, must be key priorities for the Council this year. We look forward to seeing a more detailed written assessment of Member States' implementation and the measures taken in due course. We also look forward to renewing the Committee's mandate and improving the sanctions through the new resolutions to be discussed by the Council in due time.

Mr. Sardenberg (Brazil): At the outset, I would like to congratulate you, sir, on your assumption to the presidency of the Security Council this month. The delegation of Brazil is confident that your presidency will be successful and is willing to assist you throughout this period. I thank you for the words of welcome that you and all delegations addressed to the newly elected members of the Council.

I would also like to thank you for your second oral assessment, as chairman of the Security Council Committee established pursuant to resolution 1267(1999), and encourage you and the Committee to pursue your work this year with the same dedication as that shown in 2003.

International terrorism remains a major threat to international peace and security, and despite serious efforts, Brazil believes that the menace presented by Al Qaeda, the Taliban and its associates continues to be one of the most evident manifestations of this. Even when the commission of acts of terrorism is avoided, recent measures affecting international travel are a clear reminder of how this constant affliction impacts the daily lives of us all. The repudiation of terrorism contained in the Brazilian Constitution is one of the guiding principles for our country's international relations. Brazil's participation in the work of the Council will faithfully reflect this constitutional provision.

The work of the 1267 Committee is fundamental to countering the peril we are facing by gathering information that might lead to the development of strategies and mechanisms that could reduce and, ideally, eliminate this scourge. It is unfortunate to note, however, that less than fifty per cent of the Members of the Organization have presented reports on the implementation of the relevant sanctions. A careful assessment of the reasons for this lack of conformity should be made, so that its causes can be corrected and redressed. Measures to encourage greater conformity must be studied and included in the resolution that we should be adopting by the end of the week.

Your missions, Mr. President, as Chairman of the Committee, and those carried out by the Monitoring Group to selected countries are useful tools for gathering information regarding the implementation of the sanctions on the ground. They also permit direct contact with high-level officials in charge of the application of the measures, which raises awareness about them in the countries in question, and allows the Chairman to receive, firsthand, expressions of concern regarding the difficulties in applying certain aspects of the sanctions. The practice of carrying out missions to Member States should certainly be continued this year.

Brazil was an elected member of the Council when resolution 1267 (1999) was adopted, back in 1999. Various additional resolutions relating to these sanctions, approved since then, reflect the Council's awareness of the need to update the tools designed to fight terrorism. The 1267 Committee has become a singular instrument of the Council, with little in common with the traditional sanctions system adopted by the Council over the years as a measure of last resort.

The very nature of the 1267 sanctions regime has led to difficulties in the implementation of the sanctions that go beyond the aforementioned lack of consistency in reporting. Some of these have been highlighted in your presentation: the possible conflict between the sanctions regime and basic international human rights standards, such as due process; the difficulty in implementing the freezing of non-financial assets; the resurfacing of listed entities under new names; the use of charitable institutions as fronts for the financing of terrorist activities and the necessity of preserving legitimate charitable institutions from controls intended to target false charities; and the necessity of providing legitimate alternatives for traditional users of alternate remittance systems. All those aspects constitute hindrances to attaining the objectives envisaged.

Those questions and others will have to be addressed in the timely improvement of "the measures imposed", as proposed in resolution 1455 (2003). Full consideration of the global nature of the struggle against terrorism, and of the need to capitalize on the international community's unity of purpose in that fight, must be maintained as a main objective during this effort.

In that context, the announced commitment to continue to promote efforts aimed at ensuring transparency in the Committee is a step in the right direction. Initiatives to improve cooperation with international organizations — such as Interpol — are also a potentially advantageous path to be explored. In addition, efforts to increase and enhance cooperation with the Counter-Terrorism Committee, as well as with other United Nations organs involved in the fight against terrorism, should be continued. That is especially relevant because measures to address shortcomings identified in the Committee's structure are being studied at this very moment.

As we consider ways and means to improve the measures imposed by the 1267 Committee, three essential considerations, in our view, must be kept at the forefront. The first is that, given the transnational nature of the terrorist threat, cooperation among the entire international community is an indispensable component of success in this struggle. Secondly, it is fundamental to ensure that measures adopted to fight terrorism are in conformity with international law and with the commitments undertaken by Member States in that regard.

Finally, while terrorism is certainly a scourge, it must be understood that security-related measures alone will not enable us to prevail in the fight against terror. As the Secretary-General aptly put it at the opening of the general debate of the General Assembly:

> "a world in which many millions of people endure brutal oppression and extreme misery will never be fully secure, even for its most privileged inhabitants". (*A/58/PV.7, p. 3*)

The Council may not be the ideal body in which to address several of those afflictions of mankind, but it should be aware of the relationship between the threat represented by international terrorism and the living conditions of a great part of mankind if we are to win this war on terrorism.

Mr. Baja (Philippines): We join previous speakers in congratulating you, Sir, on your assumption of the presidency of the Security Council for this month. We thank other delegations for their words of welcome to the new members of the Council, including the Philippines.

In addition, we thank you, Mr. President, for convening this public meeting and for presenting — in your capacity as Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) — a comprehensive and substantive assessment of implementation by Member States of the sanctions measures imposed against Al Qaeda, the Taliban and individuals and entities associated with them. We welcome this open and public format as we highlight the vital importance of international cooperation at all levels, of exchanging information and of greater coordination of States' actions in making the sanctions more effective. In that regard, this public meeting may once more impress upon all Member States the crucial importance of submitting comprehensive national reports to the Committee as one of the means to assess the effectiveness of the measures and Member States' compliance with them, even as it delivers a message on the need for Member countries to be more forthcoming in cooperating with the Committee's work.

My delegation also commends the 1267 Committee for the hard work that it has being doing — under the leadership of its Chairman and with the support of the Monitoring Group — to gather more information on the ground from Member States to further strengthen the Committee's capacity for analysis and research. At the same time, the dialogues conducted by the Chairman and by the Monitoring Group have been opportunities to further clarify implementation of the measures and to discuss such concerns as human rights and due process.

Since the Chairman presented his midyear report, in July last year, when some progress was reported in implementing the measures — particularly with regard to freezing terrorist assets and refining the consolidated list — the world has experienced more deadly terrorist attacks attributed to Al Qaeda and the Taliban in various parts of the world. There have also been reports of the Taliban's resurgence. Those events only highlight the urgency of further strengthening and refining the implementation of the measures.

As we are all aware, terrorism has its own dynamics. As new measures are imposed or refined, new modes of operation to circumvent them are resorted to by terrorists to further their actions. Thus, we need to be constantly vigilant in monitoring the operations of terrorists to plug the loopholes that allow them to commit more terrorist acts. In that regard, cooperation by all Member States in sharing information cannot be overemphasized.

Even as the Committee focuses on further strengthening legal and administrative measures and on enlisting international cooperation and coordination towards that end, my delegation — without detracting from that focus — wishes to invite attention to other aspects that can be pursued, which are also referred to in the report, with particular reference to South-East Asia.

The first aspect is what the Committee cites as a targeted approach. South-East Asia is a fertile area for anyone wishing to understand post-11 September 2001 Al Qaeda planning, leadership and tactics. There are reports of Al Qaeda enmeshing itself in local conflicts, co-opting independence movements wherever they can be found and helping so-called revolutionaries to fund, plan and execute attacks. The Committee could analyse and assess the complex web of terrorism and local conflicts that Al Qaeda has been able to exploit. That would require extensive ground reporting and an accurate diplomatic and intelligence network. While the objectives of Al Qaeda and the Taliban are generally known, local individuals or entities who cooperate and conspire with those groups could have their own specific motivations for cooperating with their cause. The more specific motivations and objectives of such local individuals or groups could be identified by Member States and examined by the Committee. That approach would lead us to identify the basic causes of terrorism and to develop even more targeted measures — and fewer legal measures — which could have more immediate impact and longer-term effectiveness.

The second aspect is technical assistance. We are grateful to note the Committee's recognition of the need to have both technical capacity and the political will to implement anti-terrorism measures. Technical assistance could be in the form of building the capacity of national border security institutions and of dismantling terrorists' financial networks. Because of the ease of travel within South-East Asia, terrorists and terrorist groups have connected with one another in fluid and shifting combinations. Moreover, financial machinery is very important to the spread of terrorism and its operations. The financial backbone of any terrorist organization is the nerve centre of its activity. We are gratified that the Committee is looking into new and non-conventional modes of operation with regard to the movement not only of people, but also of funds and weapons, and also exploring technical assistance to plug such loopholes.

The third aspect is the exchange of information. Valuable lessons have been drawn from the Chairman's dialogue with the European Union. My delegation sees similar value in the Chairman's forthcoming dialogues with other regional groups, aside from individual countries. For example, a number of regional initiatives to counter terrorism have been undertaken by the Association of South-East Asian Nations. Some years ago, the Philippines, Indonesia and Malaysia signed an agreement on exchanging information and establishing communication procedures to combat terrorism. That agreement has since been acceded to by Brunei, Cambodia, Thailand and Viet Nam. Exchanging information brings down the barriers of distrust separating individual agencies and enables them to be aware of the extent and depth of terrorist networks. Interaction and the implementation of the provisions of this agreement has attended to local enforcement officials. In addition, conferences and seminars on maritime security and terrorist financing have also been conducted in the region.

Not only the findings and recommendations resulting from your trips, Mr. President, but also the analysis and recommendations contained in the recent report of the expert Monitoring Group, provide valuable inputs for further refining the measures for more effective implementation.

Those who have been observing terrorist acts could provide inputs on what they mean and why such acts were committed or how they are linked. The likelihood of the success of terrorist organizations and individuals is only as strong as the weakest link in the web of cooperation among States will allow.

It is important to know what terrorists think, what they used to think, what their organization is like and what they used to do. Every arrest, every idea of terrorists which is revealed, changes the way terrorist

groups operate, and they react and metamorphose into something else.

In South-East Asia, it is important to know and understand how Al Qaeda, the Taliban and other individual groups related to them could unite disparate groups across national and ethnic lines, using their language and traditions. That is why my delegation supports your intention, Mr. President, to be transparent, responsive and proactive in your work.

Mr. Konuzin (Russian Federation) (*spoke in Russian*): We are pleased to see you, Sir, presiding over the Security Council. We welcome the new non-permanent members of the Council, and express our appreciation for the cooperation of those Council members whose terms of office recently expired.

Last year, the sanctions Committee established pursuant to resolution 1267 (1999) carried out a great deal of work on ensuring the effective implementation of restrictive measures introduced by the Security Council against the Taliban and Al Qaeda. In this context, particular mention should be made of the two trips that, pursuant to paragraph 1 of resolution 1455 (2003), the Chairman of the Committee undertook to a number of countries. The process of consultations held by the Chairman was a first step towards establishing a dialogue with individual Member States on various aspects of the complex sanctions regime. That has allowed us not just to monitor the situation on the ground as it pertains to the implementation of the Security Council's decisions, but also to examine the specific difficulties that have arisen in the preservation of the requirements involved. We are convinced that such a practice of cooperation between the Committee and Member States has shown itself to be tried and true, and should therefore continue.

The Security Council will soon have to adopt a new resolution to refine the parameters for the sanctions regime. The work on the relevant decisions is already under way. With regard reaching agreement on a draft resolution, we believe that it will be important for the Council to take into account the experience of the sanctions Committee and the Monitoring Group, which demonstrates that the effective restriction measures need further clarification with regard to their scope.

A more careful approach needs to be taken to the consolidated list of individuals and organizations to which sanctions are applied, and appropriate measures should be taken not just by the sanctions Committee by also by Member States themselves. We should not forget that that list is one of the most effective instruments that the Security Council has for combating the threat to international peace and security posed by terrorism.

Unfortunately, we must point out that the low level of accountability of Member States under paragraph 6 of resolution 1455 (2003) has had a negative impact on the Council's ability to undertake a comprehensive analysis of the observance by States of the sanctions measures adopted by the Council.

In the final analysis, this makes it more difficult to identify problems in the functioning of the current sanctions regime, thereby reducing its effectiveness. As we undertake further work in this field, we believe that there should be a greater use of targeted and selective approaches in determining those countries whose efforts in carrying out sanctions require careful study. At the same time, we would like such an approach to be impartial and objective.

Mr. Akram (Pakistan): As this is the first formal meeting of the Council for the year, let me take this opportunity to express the happiness of the delegation of Pakistan at seeing you, Sir, presiding over the Council as we inaugurate our work for the year. I would also like to express my delegation's appreciation for the skilful manner in which your predecessor, Ambassador Tafrov of Bulgaria, conducted the work of the Council during the previous month.

The delegation of Pakistan wishes to thank all five departing Council members and to welcome the new members of the Council who have taken their seats this year.

We thank you, Mr. President, for your presentation, as Chairman of the Committee established pursuant to resolution 1267 (1999), of the comprehensive report and assessment of the Committee's work.

Pakistan is a front-line State in the fight against terrorism. We have deployed 70,000 troops on our border with Afghanistan for the interdiction and search of infiltrating or exfiltrating Al Qaeda and Taliban. members. Pakistan has developed an effective intelligence network and a quick reaction force for this purpose. We have captured over 500 Al Qaeda and

Taliban operatives in this campaign, which is continuing actively at present.

Al Qaeda is today a shadow of what it was in the past. But, even if more diffuse, the nature of the threat is more complex. Through the splintering of cells and the subcontracting of terrorism, terrorists have conducted operations in many countries, including my own, and the Committee established pursuant to resolution 1267 (1999) and the Counter-Terrorism Committee must be responsive to the mutating threat that is evolving.

We appreciate the work done by the Al Qaeda and Taliban sanctions Committee. We have fully supported its efforts in all respects. We welcomed your visit, Sir, to Pakistan. We believe that your visits to various countries have energized the work of the Committee, and we trust that you found your interactions in Pakistan positive and constructive.

Pakistan, for its part — as you know, Mr. President — requires financial and technical assistance to enhance its capacity for counter-terrorism, in particular with regard to surveillance equipment at its ports of entry and exit, as well as in the development of human resources.

I would like to offer a few comments and suggestions with regard to the report we have received today. We have noted that the visits by the Chairman and members of the Committee were useful in observing firsthand the efforts of States to fight terrorism, particularly Al Qaeda, the Taliban and their associates. Such visits and dialogue should be continued in future in order to sensitize both the Committee and Member States to the need for coordinated action and mutual cooperation.

The Chairman of the Committee's policy of transparency in holding periodic meetings should also be continued in order to enlist maximum support on the part of the international community. The Committee should further streamline and improve the process of submitting new names for addition to the consolidated list. A designating State should not only consult the concerned States but also provide as much background information or evidence as possible, both to ensure the credibility of the list and to meet due process and legal requirements.

It is clear that there is a need for legal clarity and precision with regard to the preparation of the list. In particular, we believe that there is a need for careful identification of the coverage of the Taliban, taking into account the emerging realities in Afghanistan.

Financing of terrorism continues to be a major area of concern. The Committee should continue its focus on alternative remittance systems. In this context, it is important to provide greater assistance to States needing such assistance to improve their financial structures, including banking systems.

We are mindful of the Committee's needs in terms of experts and analytical support to fulfil its mandate in accordance with Council resolutions. We hope that the appointment of experts and analysts will be made in line with the principles of equitable geographical distribution and other relevant United Nations rules and procedures.

The Committee should also pay more attention to factors such as reporting fatigue which may hamper States' cooperation with the Committee. In order to maintain its credibility and legitimacy, the Committee should continue to operate within its mandate to ensure that States comply with their obligations under the relevant Security Council resolutions.

Finally, the performance of States should be evaluated not only on the basis of their country reports but also of their actions on the ground against terrorism.

The fight against terrorism can be successful only if we address the problem in all its facets. Military and administrative measures are but a part of the comprehensive response which the problem requires. We need to search for long-term solutions and to pay greater attention to factors which lie at the root of terrorism. There is in particular a correlation between poverty, religious and political persecution, and injustice on the one hand, and terrorism on the other.

The war against terrorism must therefore be fought comprehensively, on a global front, with vision and understanding. It should not erode the moral values of our societies. It must not be hijacked by those who seek to use it as an excuse to suppress other peoples. It must not be allowed to engender a clash of civilizations.

Mr. Adechi (Benin) (*spoke in French*): Mr. President, my delegation would like to express its deep appreciation for the tireless efforts you have been making in chairing the Committee established pursuant

to resolution 1267 (1999) with a view to waging an effective and efficient fight against the threat posed by the Al Qaeda network and the Taliban.

In spite of the difficulties encountered, the progress achieved is clear evidence of the political will of States to combat terrorism with the necessary resolve, given the fact that this is one of the major challenges facing the international community at the beginning of this millennium.

Terrorism is so deeply shocking to people, to human relations and to relations among States that no country can remain indifferent to it, because it can strike anywhere, indiscriminately.

For that reason, the fight against terrorism, given its transnational character, requires increased international cooperation. It is also important to study the approaches to be taken and the means to be used in the process of involving all States more effectively in the long-term fight against the threat posed by the members of Al Qaeda and the Taliban.

In order to be effective, this struggle must be a balanced one that should take into account the social realities of each country and its technical and human capacities.

Your report, Sir, has shown, in a relevant manner, the difficulties that States have encountered. Your visits and those of the Monitoring Group are therefore important in enhancing and promoting dialogue with States, because terrorism is a progressive process. In this regard, we support the work done by the Committee.

We also encourage joint efforts and coordination between the Counter-Terrorism Committee and the Committee established pursuant to resolution 1267 (1999), so that the threat posed by Al Qaeda and the Taliban as well as their associates might be better matched with national measures to combat terrorism.

In conclusion, my delegation would like to commend you, Sir, on your assumption of the presidency of the Security Council for this month.

Mr. Gaspar Martins (Angola): Mr. President, I will start by joining others in expressing our warm appreciation to you for the role you have played as Chairman of the Committee established pursuant to resolution 1267 (1999). Your remarkable contribution regarding the implementation of Security Council resolutions 1267 (1999), 1390 (2002) and 1455 (2003) has helped to ensure the significant success of the work of the Committee. The leadership you have shown is an example of the kind of role that a proactive Chairman can play in the implementation of Security Council resolutions, and we are very thankful to you for this.

The resurgence of the Taliban in Afghanistan in past months clearly demonstrates that the Al Qaeda network is far from being defeated and dismantled and that it continues to represent a real threat to peace and security and a challenge to the international community as a whole.

We share the views of the Chairman regarding the role that country reports play in the Committee's analysis of how better to deal with the combat against terrorism. However, in my delegation's opinion, the Committee needs to address the reasons that lead to reporting weakness and are responsible at least in part for the low response from Member States in submitting their reports to the Committee, as called for in operative paragraph 6 of resolution 1455 (2003). The Counter-Terrorism Committee is an important mechanism for evaluating the level of States' compliance with sanctions regimes and for ensuring a much broader monitoring approach.

As the Committee needs international cooperation to fulfil its mandate, we believe that the improved guidelines of the Committee will facilitate this process and encourage Member States to comply with their obligations under Security Council resolutions, particularly resolution 1455 (2003). We also underline the importance of the consolidated list maintained by the Committee, which is rightly described in the report as a key tool in this regard. Full implementation of the financial sanctions, arms embargo and travel ban is basically dependent on the credibility of that consolidated list.

When it comes to the capacity and working methods of the sanctions Committee, we speak from our own experience. One of the most important lessons we learned is that while the primary responsibility for implementing sanctions rests with the Member States, effective implementation depends upon strong coordination and communication between them and the United Nations. The sanctions committees, the United Nations Secretariat and the regional organizations play a critical role in establishing a framework of procedures for sanctions implementation, providing

support to Member States and making sanctions more effective and efficient.

The creation of independent panels of experts and monitoring mechanisms has been a welcome innovation in the application of United Nations sanctions. This is another lesson learned from our own experience. Such expert groups have made a most important contribution to improving the nature and scope of sanctions. Their status as independent bodies has facilitated the task of identifying and shaming sanctions violators, which is an important facet of their work. We therefore commend the role that the Monitoring Group has been playing in furthering the work of the 1267 Committee. We hope the Group will preserve its independence and analytical reporting to the Council.

With respect to operative paragraph 6 of resolution 1455 (2003), it should be recalled that Angola has submitted its report to the Committee, as called for in the resolution. Due to the need to improve and make the measures more adequate and effective with respect to the challenges of implementing resolutions 1267 (1999), 1390 (2002) and 1455 (2003), the Government of Angola has been taking initiatives related to the prevention and suppression of terrorism. Thus, concerning the freezing of financial and economic assets, the National Bank of Angola operates in complete harmony with its investigation and research organs, such as the financial crimes investigation units and the organs entrusted with the supervision and monitoring of the banking, financial and credit sectors, as well as the preparation and investigation of cases which are reasonably believed to show signs of money-laundering or related offences.

The migration office has set up a national migration control system, which can be used to transmit information to all border checkpoints. The same method is used for circulating updated United Nations lists in order to prevent listed individuals from entering Angola or to detain such individuals so that legal proceedings may be brought against them.

We are indeed convinced that international cooperation provides the foundation upon which countries can strengthen their capacities to implement the measures imposed under the Security Council resolutions on Al Qaeda, the Taliban and associated entities and individuals. The Republic of Angola remains keen to strengthen cooperation with international and regional organizations, in particular to enhance its work with Interpol.

While important progress has been made, further efforts are still required since — as is mentioned in the report of the Monitoring Group — unfortunately, many of Al Qaeda's sources of funding remain undiscovered, and they continue to receive funds from charities, deep-pocket donors, businesses and criminal individuals, including in the drug trade. Therefore, action must be decisively continued.

Finally, let me conclude by saying that in the long term, while we must continue to resolutely address and defeat the threats of terrorism, we must not lose sight of the root causes of terrorism, which are often exploited by terrorists, particularly their ring leaders — the underlying political, social and economic problems prevailing in several regions in the world.

Mr. Motoc (Romania): This being the first public meeting of the Council since the beginning of 2004, it gives me great pleasure to congratulate you, Sir, and pledge the full support of the Romanian delegation in the successful discharge of your presidential duties. Our gratitude goes to the delegations of the 10 countries that were on the Council last year for having so encouragingly welcomed us to this body, as well as for their generous support in the preparation of Romania's mandate as an elected member of the Council.

I wish to join others in congratulating you, Sir, both for your very convincing report, which we fully support, and for your excellent work as Chairman of the 1267 Committee. Your dedication at the helm of the Committee and the valuable support of the Chilean team, the Secretariat and the Monitoring Group created the necessary prerequisites for the progress of the Committee's work. I also wish to assure you of Romania's full commitment, as vice-chair of the Committee to fostering the goals you set out.

Romania associates itself with the statement to be made by the Permanent Representative of Ireland on behalf of the European Union. Therefore, I wish to offer here only three specific points from our delegation.

First, we commend the Chairman's recent visits to selected countries and strongly support the continuation of this valuable practice. Ambassador Muñoz's conclusions following those visits, together

with the recommendations provided by the Monitoring Group reports, provide a solid starting point for improving both the existing measures imposed on the Taliban and Al Qaeda and the work of the Committee.

My second point is on Romania's concern at the significant number of States that have not submitted the reports required by resolution 1455 (2003). We would like to recall that responsibility for effectively implementing the measures imposed globally by the Security Council against the Taliban and Al Qaeda lies with the Member States themselves. Undoubtedly, national reporting remains an important tool for assessing the level of implementation and the practical difficulties associated with it. Therefore, we call on all States that have not yet submitted their reports to do so expeditiously.

The quality of reporting is also of utmost importance and must be further improved, including by means of a more focused approach. Likewise, the constant difficulties encountered by so many States in submitting reports should be addressed and additional ways of assisting them devised and implemented.

My third comment concerns the potential of regional cooperation to play an important role in fighting terrorism sponsored by the Taliban and Al Qaeda. We are all vulnerable to terrorism. We all need cooperation, consultation on threats and coordination of responses. It is Romania's strong belief that regionally-owned organizations and initiatives can help deliver that. Undoubtedly, one of the most substantial contributions in this field is made by the European Union. It was with Romania in the chair that the Organization for Security and Cooperation in Europe developed, back in 2001, the first regional response in the 11 September context and subsequently made its specific contribution to the international fight to prevent and counter terrorism.

Seeing cross-border organized crime as a potential breeding ground for terrorist activities, Romania is also committed to the valuable work done in countering the former at the subregional level, in partnership with South-East European nations. Bucharest is thus to host to the Southeast European Cooperative Initiative Regional Centre for combating transborder crime, which for half a decade now has supported the crackdown on organized crime in the subregion on the basis of a unique mechanism of data-sharing and cooperation between national police and customs authorities. Its experience should be referenced in the outreach activities that both the Counter-Terrorism Committee and the 1267 (1999) Committee have started to develop.

To conclude, I believe that the time has come fully to take stock of the experience we have gained and to look to the future. Al Qaeda remains a serious threat in that it is adapting to and taking profit from existing vulnerabilities. The international community should also adapt to this menace. We should carefully consider the ways in which a new resolution could bring more effectiveness to measures against the Taliban and Al Qaeda, invigorate the activity of the Committee and thereby advance our fight against terrorism.

The President (*spoke in Spanish*): The next speaker inscribed on my list is the representative of Indonesia. I invite him to take a seat at the Council table and to make his statement.

Mr. Jenie (Indonesia): I would like to express the appreciation of my delegation to the members of the Security Council for convening this public meeting for an assessment of the oral remarks made by the Chairman of the sanctions Committee. Before I go further, tribute is due to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999), as well as to its members and the experts involved, for their dedication and hard work.

The Government of Indonesia has consistently been of the view that we need global cooperation, with the United Nations at its centre, and the involvement of all civilizations and religions to effectively combat international terrorism. It is to the United Nations that Member States must turn to ensure that instruments to eradicate this menace are multidimensional in nature, involving political, legal, economic, financial, military and security approaches. Indonesia believes that, in the absence of such multi-track approaches, solutions can only be short-term and limited in nature. It is inevitable that these approaches will be successful only if carried out through multilateralism, which involves dialogue among civilizations and religions. Without such approaches, efforts to effectively deal with this evil will only fall short of their fundamental objectives.

Long before the terrorist attacks in September 2001, we ourselves were the unfortunate victims of acts of terrorism. We know very well the pain, suffering and devastating impact that such terrorist acts have brought

upon societies. As a result, Indonesia has begun to enforce various measures to mitigate that menace nationally, bilaterally, regionally and internationally.

At the national level, a series of decisions and steps have been taken not only to uncover the perpetrators of terrorism, but also successfully to prosecute them. Those measures, which have enhanced the awareness of our people of the consequences of such attacks, are carried out strictly within the framework of law, democratic processes and non-discriminatory norms and have thereby gained the confidence of the public. Considering that the networks and activities of terrorists go beyond national boundaries, Indonesia has been cooperating with the Association of South-East Asian Nations, as well as with other countries and groups of States, including Australia, Japan, the United States and the European Union. Further success in dealing with terrorism will require, as my delegation has already indicated, sustained international efforts, along with increased cooperation on a global scale, information-sharing and coordination. Such a strategy will also require that all countries willing to participate have the financial and technical means to do so.

We have learned that international cooperation between the Indonesian police and police forces from other countries in the Bali bombing was able not only to result in the arrest of more than 44 persons, but also to further uncover the network and lead to the arrest of other key terrorist figures who, apparently, have been involved in many other acts of terrorism, particularly bombings in Indonesia, over the past five years. Such an investigative process therefore underlines the importance of strengthening international cooperation. Its success will be limited only if not accompanied by the next crucial steps, including the legal process and bringing the terrorists to justice. It is in pursuing this approach that Indonesia has been able to consolidate the democratization processes that began in 1998.

While further legal measures are being pursued for those involved in terrorist activities, my delegation is pleased that, on 10 December 2003, Indonesia submitted its national report in compliance with resolution 1455 (2003). That report was formulated in accordance with the guidelines established by the Committee and I am confident that it demonstrates the readiness of my delegation to cooperate further and fully with the Committee. In the preparation of the report, I should acknowledge the useful visit by you, Sir, as Chairman of the Committee established pursuant to resolution 1267 (1999), to Indonesia in October last year.

Permit me now to turn to the recommendations in the Chairman's assessment pursuant to paragraph 14 of resolution 1455 (2003). We would like to welcome those recommendations, in particular the commitment to maintain open channels of communications with all Member States, as well as with regional and technical organizations. We hope that this will further strengthen the basic principles of international cooperation and transparency and the spirit of dialogue, which are essential prerequisites to effectively combating terrorism.

As part of those efforts, I am pleased to inform the Council of an initiative of the Government of Indonesia, in cooperation with the Government of Australia, to hold the Asia-Pacific Regional Ministerial Meeting on Countering Terrorism from 4 to 5 February 2004 in Bali, Indonesia. Its theme will be "Strengthening coordination and cooperation in combating terrorism in the Asia-Pacific region". It is hoped that this meeting will be able to impart added momentum to the already vigorous efforts to counter terrorism in that region by focusing on practical and operational goals, identifying new ways of enhancing cooperation and encouraging more effective collaboration among the region's law enforcement and intelligence agencies.

The second initiative supported by the Government of Indonesia is that of a non-governmental organization, Nahdlatul Ulama, one of the biggest Muslim organizations in Indonesia, which in February will hold an international conference of Islamic scholars in Jakarta to deliberate on better ways of presenting and projecting to the outside world the image of Islam as *rahmatan lil alamin*, or "blessing to the whole world", rather than as it is being portrayed now by certain quarters. This will be one contribution to further understanding among civilizations.

Finally, I would like to stress again the conviction of Indonesia that terrorism is the problem of many nations and that we can best fight and vanquish this menace through multidimensional and multilateral approaches, which should be based on international cooperation and collaboration and on a spirit of dialogue among all States, civilizations and religions. Indonesia is one such party, and, as we have in the past,

we stand ready to take the necessary measures and to work with other States and organizations to ensure that terrorism is defeated once and forever.

The President (*spoke in Spanish*): I thank the Ambassador of Indonesia for his kind words and for his information.

The next speaker on my list is the representative of Ireland. I invite him to take a seat at the Council table and to make his statement.

Mr. Ryan (Ireland): I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia; the candidate countries Bulgaria, Romania and Turkey; and the countries of the Stabilization and Association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro; and the EFTA country Iceland, member of the European Economic Area, align themselves with this statement.

As this is my first intervention before the Security Council this year, I would like to congratulate you, Mr. President, on your assumption of the presidency, and to extend my warm congratulations to the representatives of the new members of the Council: Algeria, Benin, Brazil, Philippines and Romania.

The European Union is grateful for the highly constructive report provided this morning by the Chairman of the 1267 sanctions Committee. The challenges facing the Committee remain formidable and many. Ambassador Muñoz is therefore to be commended for his able stewardship of its activities, in particular the responsive and pro-active manner in which the complex and sensitive issues facing the Committee are addressed.

Close dialogue with the wider United Nations membership remains essential. In this regard, we welcome the Committee's intention to maintain a pro-active approach in its work that will be marked by transparency and responsiveness. The European Union is keen to establish closer contacts with the Committee, as suggested on the occasion of the meeting Ambassador Muñoz and a delegation of the Committee itself had with the competent working group of the Council of the European Union in Brussels on 2 December 2003. The holding of periodic open briefings on the work of the Committee for all States is also a pragmatic and welcome proposal.

We agree as to the importance of regularly updating and reviewing the guidelines and the working procedures of the Committee. The European Union is encouraged, therefore, to hear that the Committee will continue to strive to enhance these guidelines and procedures.

Ambassador Muñoz has commented upon his recent extensive outreach activities on behalf of the Committee and his successful visit to Europe, among other relevant destinations. Our exchanges, during Ambassador Muñoz's visit to Europe, were detailed and fruitful. We considered carefully the definition and freezing of non-financial and other economic resources, the challenges arising from the implementation of the travel ban and other concerns relating to the Committee's consolidated list, including, very importantly, human rights and due process. The combat against terrorism should be conducted with respect for human rights and fundamental freedoms.

With regard to the latter subject, we would like to recall the workshop sponsored by Sweden and Germany under the auspices of the European Union on 24 November last year, which brought together over sixty sanctions experts. Some concrete proposals were put forward, among them the following: the relevant resolutions, i.e. the legal basis for the restrictions, should contain clear criteria and definitions for the listings as well as for their scope; individuals entered into the consolidated sanctions list should, to the extent possible, be informed about the listing as well as its reasons and consequences; and the right of listed individuals to be heard should be further developed. We hope that the proposals discussed at the workshop will be reflected in the new resolution now under consideration.

In the four years since it was established, the 1267 Committee has proved a tenacious force in the fight against the major threat to international peace and security posed by the terrorist acts of Al Qaeda and the Taliban. Its ability to adapt and to adjust in a timely fashion to changing circumstances deserves special mention. We welcome that a new resolution is under active consideration, as it reflects the general need — not confined to this Committee — to keep sanctions regimes under review within specified time frameworks. As the situation on the ground evolves,

for better or for worse, so too must the measures that the Council has imposed. The Council must be, and must be seen to be, responsive to these changes.

The recently published second report of the Monitoring Group established pursuant to Security Council resolution 1363 (2001) is an interesting and comprehensive document. Its findings and recommendations warrant careful consideration. In the meantime, we stress the need for greater transparency in the working methods of the Group and in the elaboration and publication of its reports. We recommend that the Monitoring Group thoroughly check with the Member States mentioned in its reports, and in advance, relevant information and data.

The European Union, however, fully shares the concerns expressed by the Monitoring Group about the low turn-out of the implementation reports called for in resolution 1455 (2003) and about the indications that the measures introduced in that resolution, as well as in earlier resolutions — in particular 1267 (1999) and 1390 (2002) — have been insufficiently implemented. Having been adopted under Chapter VII of the United Nations Charter, resolution 1455 (2003) is mandatory and obligates all Member States to implement the measures set forth therein. The EU once again calls for the effective implementation of the resolution and reiterates its determination to cooperate fully with the Committee and the Monitoring Group in this respect.

The Monitoring Group continues to play an indispensable role in monitoring the implementation of the sanctions regime, and the European Union wishes to express its appreciation to the Group for this latest report. The report speaks of several areas where scope for improvement remains vis-à-vis implementation of the measures contained in the relevant resolutions. The EU takes particular note of the Group's conclusion: without a tougher and more comprehensive resolution — a resolution which obligates States to take the mandated measures — the role played by the United Nations in this important battle risks becoming marginalized.

Therefore, the European Union very much looks forward to the early adoption of the new resolution. In that connection, the Security Council may be assured that the European Union and its Member States stand ready to implement all further measures introduced under the resolution.

The President (*spoke in Spanish*): I thank the representative of Ireland for his kind words.

The next speaker inscribed on my list is the representative of Liechtenstein. I invite him to take a seat at the Council table and to make his statement.

Mr. Wenaweser (Liechtenstein): Sir, we should like to commend your work as Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and to thank you in particular for the very informative and comprehensive briefing that you gave the Council this morning. We also welcome the fact that you convened this meeting in your capacity as President of the Security Council for the month of January, and we commend you for upholding the principle of transparency on this important issue.

Liechtenstein is fully committed to the global fight against terrorism. It has ratified all 12 international conventions related to the fight against terrorism and has implemented a comprehensive set of measures aimed at combating the financing of terrorism in particular. On 22 October 2003, Liechtenstein's Parliament adopted a package of anti-terrorist legislation that entered into force on 10 December, further strengthening the current regime of criminal law in particular.

In addition, Liechtenstein cooperates actively with the 1267 Committee and the Counter-Terrorism Committee; it has fulfilled all its reporting obligations to both Committees and has engaged in a dialogue with them. The issues under discussion today are given the highest possible attention by the competent authorities in our capital, as well as by our Permanent Mission in New York. Since the adoption of resolution 1455 (2003), members of both the Monitoring Group and the Sanctions Committee itself have been received by officials of those authorities. Full and constructive cooperation was extended to them on those occasions, and we are particularly pleased, Mr. President, that you expressed your satisfaction to our authorities in the follow-up to your visit in December 2003.

Resolution 1455 (2003) extended for a further year the sanctions regime imposed against the Taliban and Al Qaeda and its associates, and that mandate is thus up for renewal at the end of this week. To our mind, it is clear that such a renewal is necessary and that the implementation of the sanctions imposed by the Council needs to be further enhanced. The record

of implementation so far is a rather mixed one, and it appears that some States do not use the relevant Security Council resolutions as the basis of their efforts to combat terrorism. In connection with the renewal of the mandate, we wish to express some thoughts, a number of which we have already voiced on earlier occasions.

While the Security Council has taken steps to improve the effectiveness and precision of the sanctions and to address humanitarian concerns, as well as concerns regarding transparency and due process, much work remains to be done. In that respect, we believe that the Council should take a balanced approach. A further strengthening of the sanctions regime — as has been suggested, and as seems necessary — must be supplemented with measures aimed at preserving the rule of law. The stronger the impact of Security Council decisions on the rights of individuals, the stronger the need for avenues that will allow individuals to address concerns stemming from such decisions. States must not be put in a difficult position with regard to their judicial and constitutional standards because of their commitment to implement measures imposed by the Council.

Furthermore, the Council should look at potential implementation problems before certain measures are decided upon. For example, we are of the view that important practical aspects of the travel ban imposed by the Council have been neglected and that the effectiveness of measures imposed by the Council would benefit from more in-depth consideration of such practical problems. It is therefore noted with gratitude, Mr. President, that you identified that particular area in your briefing this morning.

With regard to the work of the Monitoring Group established pursuant to Security Council resolution 1455 (2003), we have already shared some thoughts with the members of the Sanctions Committee. The Liechtenstein authorities have cooperated in a proactive and constructive manner with the Group in order to facilitate its task, and have provided it with important information. However, we believe that such cooperation should be reciprocated by the Monitoring Group. The Group's case-based investigative work has not always been conducted with a view to ensuring enhanced implementation of the measures imposed by the Council. Furthermore, we noted once again that the report prepared by Group was leaked to the press before it was received by the States concerned. We expect that that situation will not reoccur in the future. In that connection, I should like to associate myself with the comments just made by the representative of Ireland. We hope that the future mandate of the Monitoring Group will address those concerns with a view to improving the quality of its important work and to ensuring continued full cooperation by Member States.

Notwithstanding our concerns regarding the working methods of the Monitoring Group, we recognize the value and importance of its work, and we remain committed to full cooperation in that respect. As far as the recommendations contained in its report are concerned, we should like to refrain from specific comments at this point. However, we caution in a more general manner that the use of unequivocal terminology and of clearly defined concepts is indispensable if States are to implement such measures in a consistent manner, as should be the case.

In closing, I should like once again to assure you, Mr. President, of our continued full cooperation in implementing the sanctions regime and of our commitment to the fight against terrorism. I wish you and all of us the best of success in our work.

The President (*spoke in Spanish*): I thank the representative of Liechtenstein for his kind words.

The next speaker inscribed on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Haraguchi (Japan): The Security Council Committee established pursuant to resolution 1267 (1999) continues to play an important role in the fight against the Taliban, Al Qaeda and groups associated with them, and we very much appreciate its activities. Terrorism, as seen in the activities of the Taliban and Al Qaeda, continues to spread across national borders today. It is a challenge for the international community to take effective measures in solidarity against the terrorists, because that will have a great impact on our future peace and security. We cannot afford to relax at any time in our efforts to fight terrorism.

The report issued last month by the Monitoring Group, which was established pursuant to Security Council resolution 1363 (2001), states that the Al Qaeda ideology has continued to spread. Japan is deeply concerned about this situation. More than two years have passed since the shock of 11 September

2001, and it is a matter of serious concern that the sense of crisis shared jointly by the international community at that time seems to be fading. We consider it a very serious issue that, as observed in the report, the cooperation of Member States is not adequate for the activities of the Committee established pursuant to resolution 1267 (1999), which aims at taking concrete measures to control Al Qaeda.

We would like to comment in particular on three issues mentioned in the report. First, it is pointed out in the report that since the consolidated list was established, there has not been a single report by any Member State of the arrest of any listed individual at its borders. The report also mentions that there remain cases in which border control authorities in Member States have not included sufficient information from the consolidated list in their national stop lists. That is regrettable; these facts indicate that our efforts are not yet sufficient.

The report also cites the activities of foreign entities and individuals in Iraq. After our efforts in Afghanistan, we must at all costs prevent Iraq from becoming a sanctuary for terrorism. At this juncture, Japan welcomes the adoption of a new constitution for Afghanistan through democratic processes. We hope that the various factions in the country will work together to hold elections for the establishment of a permanent administration in accordance with the new constitution, and call upon the international community to extend further support and cooperation. However, the resurgence of the Taliban and the continuing activity of Al Qaeda in the border regions are matters of great concern, and it is crucial that the international community act in unison to ensure that Afghanistan does not revert to being a safe haven for terrorists. Also for that reason, strict border control policies in States sharing a national border with Iraq and Afghanistan are essential, and we expect those States to take further measures, in addition to the efforts made so far.

Secondly, the media has widely reported that the report of the Monitoring Group contained worrisome accounts indicating that Al Qaeda had already decided to use chemical and biological weapons. Japan, as the country that experienced the subway Sarin attack perpetrated by the Aum Shinrikyo cult, is strongly aware of the danger posed by the acquisition and use of such weapons by terrorists. We therefore call for more rigorous arms embargo measures to be taken by all States, so that such weapons and materials will not fall into terrorists' hands. In this connection, Japan supports the Monitoring Group's recommendations with regard to the adoption of measures incorporated in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects; encouraging the ratification or implementation of international instruments, such as the Convention on the Physical Protection of Nuclear Material, the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention, the Biological Weapons Convention, the Convention on the Marking of Plastic Explosives for the Purpose of Detection and the International Convention for the Suppression of Terrorist Bombings; and ensuring controls on man-portable air-defence systems.

Japan has taken action in this regard, including hosting a seminar for South-East Asian countries in Tokyo last October to encourage the conclusion of treaties and protocols related to the prevention of terrorism.

Thirdly, as stated at the outset, Japan is greatly concerned about the situation referred to in the report regarding the inadequacy of Member States' cooperation in the activities of the Committee established pursuant to resolution 1267 (1999). With regard to measures to freeze assets, the lack of uniformity in the notation of data in the list of designated individuals and entities, the notable lack of necessary information and the lack of transparency in the process of adding to or altering the contents of the list make it hard for Member States to identify whether suspicious individuals or entities within their States are the same as those included in the list. This poses difficulties for Member States in implementing the required measures domestically.

Japan would like to ask the Committee to make further efforts to achieve improvements in these respect. For its part, Japan has introduced a system to further expeditious implementation at the domestic level of any changes in the consolidated list once changes have been announced. As the report indicates, it is extremely important that the updated version of the consolidated list issued by the Committee established pursuant to resolution 1267 (1999) be reflected in the domestic regulations and measures implemented in each Member State without delay. For that purpose, as suggested in my statement in the public meeting on this issue held in July last year, we would consider it

helpful for the Committee to establish guidelines on the timing of the domestic implementation of updates, indicating that any update should be domestically implemented within a certain period of time after issuance of a press release or official notification to Member States by the Committee.

In addition, the report points out that there are situations in which entities suspected of being associated with terrorists are allowed to continue their activities. Although we are fully aware of the difficulty in regulating the activities of such entities, including charities, it is necessary, in our view, to ensure the transparency of the activities of such entities by, for example, working out a means of gaining a clearer understanding of where the money from charities has gone. Activities such as the use of illegal underground financing should also be prevented through the use of strict controls.

In closing, I would like to reiterate our appreciation for your dedication, Mr. President, as Chairman of the Committee, as well as for that of your outstanding staff, and for the efforts of the Secretariat and the Monitoring Group experts. We trust that the Committee will continue to function with ever greater efficacy in the future.

The President (*spoke in Spanish*): I thank the representative of Japan for his kind words addressed to me.

The next speaker is the representative of Switzerland. I invite him to take a seat at the Council table and to make his statement.

Mr. Helg (Switzerland) (*spoke in French*): I would like to thank you, Mr. President, for having invited interested non-members of the Security Council to participate in this discussion, thereby making it possible for them to express their opinions on the work of the sanctions Committee and the Monitoring Group established pursuant to resolution 1267 (1999) on Al Qaeda and the Taliban.

Switzerland shares your view, Sir, that terrorist activities carried out by Al Qaeda and associated groups will continue, in the next few years, to represent one of the major threats to international peace and security. The prevention and suppression of terrorism will be a long-term effort, and the United Nations, as the major body for multilateral cooperation, must continue to play a key role in this respect.

The detailed briefing that you provided earlier, Mr. President, as Chairman of the sanctions Committee, attests to the quality of the work that you have carried out and to your personal commitment, as well as that of your team, over the past year.

We welcome in particular the dialogue you conducted directly with the authorities of Member States so as to identify problems which might arise in the implementation of Security Council resolutions, as well as ways of solving them.

Mr. President, you did not have the opportunity to go to Switzerland last year; however, members of the Monitoring Group met with representatives of the federal authorities during a September 2003 visit. Switzerland orally presented to the sanctions Committee its observations on the working methods of the Monitoring Group and requested, through a letter dated 9 January 2004 addressed to the President of the Security Council, that its observations on certain inaccuracies contained in the report be distributed as an official document of the Security Council.

For the future, Switzerland very much hopes for a more active and transparent dialogue with the Monitoring Group and Member States and hopes also that the sanctions Committee will set guidelines to that effect.

Switzerland is cooperating closely with various countries in tracking down terrorist groups and in identifying their sources of financing. Last week, for example, a broad-based police operation was conducted in Switzerland in the framework of the judicial inquiry into the Riyadh attack of 12 May 2003. Eight foreign nationals were arrested, about 20 persons interrogated and many facilities searched.

With regard more specifically to United Nations machinery, Switzerland ratified the 12 international conventions to combat terrorism and quickly implemented all the measures adopted by the Security Council. It has cooperated actively with the Counter-Terrorism Committee, the Committee established pursuant to resolution 1267 (1999), and the Monitoring Group. We have also submitted the various reports expected of Member States pursuant to resolutions 1390 (2002) and 1455 (2003).

Switzerland would like to recall here its conviction that the fight against terrorism should be carried out with determination, and that this can be

done without sacrificing respect for human rights and the rule of law. This is particularly the case with respect to those sanctions targeting individuals or entities suspected of being involved in terrorist activities.

To ensure the credibility and efficiency of the sanctions, it is important, even urgent, to work to improve the mechanisms for listing and de-listing the persons and entities targeted.

In conclusion, Switzerland would like to reiterate its resolve to combat vigorously international terrorism and its determination to cooperate closely in this regard with the Council and with the bodies that the Council has established to that effect.

The President (*spoke in Spanish*): The next speaker on my list is the representative of the Syrian Arab Republic. I invite him to take a seat at the Council table, which he shared with Council members last year, and to make his statement.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): Mr. President, I wish at the outset to thank you for your kind words. I will always be at your disposal.

This is the first time that we are taking the floor in the Security Council following the end of our term of office as a non-permanent member. I should like to thank you for having convened this meeting and to congratulate you on your assumption of the presidency for this month. I wish also to extend to your predecessor our gratitude for the efforts he made during the past month.

We would like also to take this opportunity to congratulate the new members — Algeria, Benin, Brazil, the Philippines and Romania — on their election and on having begun their participation in the work of the Council for the period 2004-2005. We wish them every success in their efforts to help the international community to achieve international peace and security.

We listened attentively to the presentation of the second oral report of the Chairman of the Committee established pursuant to resolution 1267 (1999) concerning the Taliban and Al Qaeda — n accordance with paragraph 14 of resolution 1455 (2003) — which detailed the work of the Committee. In that regard, we would like to commend Ambassador Muñoz for the outstanding manner in which he has discharged his responsibilities, and we express our gratitude to him and to his Mission for their contribution to the success of the work of this Committee.

The efforts made by the Committee are part and parcel of international efforts to combat terrorism. It is becoming increasingly important in the context of the anti-terrorism efforts of the Security Council and the United Nations. The Committee has done a great deal to improve its methods of work; indeed, the listing is now easier to use. Moreover, detailed consideration was given to the reports of Member States submitted pursuant to resolution 1455 (2003). The reports of the Monitoring Group represent an important mechanism for assessing compliance by States with the relevant resolutions.

Nonetheless, the Committee's task has been difficult, and here I should like to make the following comments on the work of the Committee and of the Monitoring Group.

First, there is a need to review the analytical capacity of the Committee. The Committee and the Monitoring Group should have firsthand information. Moreover, we should focus on analysing the Committee's activities.

Furthermore, the Committee must be impartial and ensure transparency in considering information obtained from various sources. Full cooperation and assistance on the part of Member States is therefore necessary.

Secondly, I should like to highlight the importance of reports submitted by Member States, which constitute the major source of information for the Committee and the Group in dealing with threats, as well as the need to provide assistance to countries in combating such threats.

Thirdly, visits to States made by the Chairman of the Committee and its members have proved extremely useful in the process of conducting a dialogue with those States. In fact, the importance of those visits has been demonstrated in several areas, because members have had the opportunity to ask questions and obtain further information relevant to the work of the Committee. Furthermore, the Chairman can thereby ascertain what steps are being taken by those States to improve the situation.

Fourthly, my delegation supports cooperation between the Committee established pursuant to

resolution 1267 (1999) and the Counter-Terrorism Committee, within the framework of their respective mandates, because each constitutes an important mechanism with respect to Security Council action against terrorism.

In this connection, we reiterate the importance of coordination between the two in order to avoid any overlap and to give them a greater capacity to act against terrorism, especially by defining clearly the areas where each may work.

Syria, on behalf of the Arab Group, last year submitted a draft resolution on the question of eliminating weapons of mass destruction in the Middle East. Among the important elements in that draft resolution was not to allow terrorist organizations — Al Qaeda and the Taliban, for example — to obtain weapons of mass destruction. Syria's draft resolution, which was supported by the Arab Group, is still being considered in the Council, and we hope that circumstances will allow for the adoption of this important resolution, with all Member States cooperating with the Council.

Finally, my delegation quite agrees that the serious threat inherent in the Taliban and Al Qaeda should be the main concern of the international community. We support the comments on the innovations needed to find effective tools to face up to these threats and to combat this eminent danger effectively. In this connection, we look forward to the new draft resolution, which will be adopted by the Council in the near future. We hope it will take into account all the concerns expressed — for example, annual reconsideration of sanctions in order to be able to adapt and consequently improve them.

The President *(spoke in Spanish):* I thank Ambassador Mekdad for the positive support given by his delegation last year to our committee.

There are no further speakers inscribed on my list. Therefore, I wish only to express thanks for the various statements of Council members and of Member States who have taken the floor under rule 37. This has been a useful interactive discussion. Important ideas have emerged, and suggestions that will no doubt be borne in mind for the preparation of the resolution that we shall be looking at later this week. Once again, thanks to all of you for your participation.

The meeting rose at 1.15 p.m.

United Nations S/PV.4892/Corr.1

Security Council
Fifty-ninth year

Provisional

4892nd meeting
Monday, 12 January 2004, 10 a.m.
New York

Corrigendum

Page 11, first column, third paragraph

The second sentence should begin:

> The Government and people of China have been fighting against the "Eastern Turkistan" terrorist organizations, which constitutes ...

Page 21, first column, last paragraph

The second sentence should begin:

> Bucharest is thus host to the Southeast European Cooperative Initiative Regional Centre for Combating Transborder Crime

03-66749 (E)

United Nations S/PV.4893

Security Council

Fifty-ninth year

Provisional

4893rd meeting

Thursday, 15 January 2004, 10 a.m.

New York

President:	Mr. Muñoz	(Chile)
Members:	Algeria	Mr. Baali
	Angola	Mr. Antonio
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Trautwein
	Pakistan	Mr. Akram
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Negroponte

Agenda

The situation in Afghanistan

Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2003/1212)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-20791 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Afghanistan

Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (S/2003/1212)

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of Afghanistan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Farhádi (Afghanistan) took a seat at the Council table.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan.

It is so decided.

I invite Mr. Brahimi to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members have before them document S/2003/1212, which contains the report of the Secretary-General on Afghanistan.

I welcome the presence of the Secretary-General and invite him to take the floor.

The Secretary-General: The Council has before it my latest report on the situation in Afghanistan. Since its release, an important and very encouraging development in the implementation of the Bonn peace process has occurred: the adoption on 5 January by the Constitutional Loya Jirga of Afghanistan's new Constitution.

The Constitution, which has now entered into force, provides a permanent foundation for re-establishing the rule of law in Afghanistan. It defines a political order through a strong presidential system of government with a bicameral legislature. It establishes a judicial system in compliance with Islam, and it includes provisions aimed at ensuring full respect for fundamental human rights, including equal rights for women.

I would like to congratulate the people and the Government of Afghanistan on this major accomplishment. The delegates to the Loya Jirga showed wisdom, flexibility and sensitivity to the needs of all Afghans — a spirit which bodes well for the hard work ahead.

Of course, the Constitution will not by itself guarantee peace and stability. Afghans, with the necessary support from the international community, must now go on to address the impediments to the peace process that existed before the Loya Jirga, and that means tackling the deeply troubling security situation, ensuring an inclusive and broadly representative Government, and quickening the pace of reconstruction. Indeed, if the next step in the Bonn process — elections — is to be credibly achieved, these challenges demand immediate action.

I would also like to thank the international community for its sustained commitment to peace in Afghanistan. At the same time, I think we can all recognize that for all the gains made under the Bonn process so far, there is a need to reinvigorate the process. With that in mind, and as mentioned in my report, I have suggested that the international community, the Afghan Government and all Afghans committed to peace in their country should come together, assess the progress made and make the necessary commitments to complete the transition. Mr. Brahimi will have more to add on this when he takes the floor.

Finally, I would like to pay tribute to my Special Representative, Mr. Lakhdar Brahimi, for the superb job he has done in Afghanistan these past two years. Lakhdar, you have richly earned your honorary Afghan citizenship. You are also, of course, one of our leading

global citizens, and the international community is that much stronger for having your skills and judgement at its disposal.

The President (*spoke in Spanish*): I thank the Secretary-General for his statement, the information he has provided and his kind words addressed to Mr. Lakhdar Brahimi, which I am sure we all share.

At this meeting the Security Council will hear a briefing by Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan. As this is the last time Mr. Brahimi will deliver a briefing in that capacity, I wish to take this opportunity on behalf of all the members of the Council to pay a well deserved tribute to him for his outstanding contributions to the cause of peace and the promotion of democracy in Afghanistan. With his persistence, patience, determination and integrity, Mr. Brahimi has been able to carry out successfully a number of United Nations missions, ranging from the former Zaire to Afghanistan. With respect to that latter mission, the members of the Security Council have all been witness to the appreciation and gratefulness of the people of Afghanistan and their authorities for Mr. Brahimi's enormous contribution during his time in Afghanistan. All members of the Council wish him the greatest success in the endeavours he undertakes in future.

I now give the floor to Mr. Brahimi, Special Representative of the Secretary-General for Afghanistan.

Mr. Brahimi: I am extremely grateful to the Secretary-General and the President for their kind words. It is an honour to address the Council one more time — the last, I think, on Afghanistan. And I am particularly pleased to do so under your presidency, Ambassador Muñoz. It was a privilege to receive you, Sir, in Kabul last fall, and I would like to thank you again for your interest and support. Allow me also to thank all your colleagues, the members of the Council who, soon after your own visit, made a truly historic fact-finding trip to Afghanistan under the able and energetic leadership of Ambassador Pleuger.

As a result of the extensive meetings you all had then, in Kabul, in Mazar-I-Sharif and in Herat, there is not much I can tell the Council today that members do not already know. In addition, the Council has before it the Secretary-General's report, which describes in some detail recent developments of note, and there is no need, therefore, to cover in my remarks all aspects of the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA).

However, this report was completed before the end of the Constitutional Loya Jirga, as the Secretary-General just told the Council, and I propose to use this opportunity to brief the Council on this Loya Jirga and then to discuss in broad terms the state of the peace process in Afghanistan: what has been achieved and what has not, the challenges ahead and where, in my view, the Afghan authorities and the international community will need to focus their efforts if our shared goals are to be achieved.

The transitional political process of the Bonn Agreement is a plan to restore peace and stability to Afghanistan by reforming, strengthening and, where necessary, rebuilding the institutions of State. The success we may ascribe to it will depend upon how far Afghanistan will have managed to establish viable, accountable and representative State institutions that can ensure security for the people and establish a credible base for the development of the country.

The Bonn process has certainly accomplished a great deal since December 2001. I will mention only some important achievements here. Large-scale conflict has not returned, a humanitarian crisis was averted early on and the political timetable has for the most part been kept: from the installation of the Interim Authority on 22 December 2001 through the holding of the Emergency Loya Jirga in June 2002, the formation of President Karzai's Administration and now the successful conclusion of the Constitutional Loya Jirga.

Under President Karzai's leadership, the Afghan Administration has overseen some worthy accomplishments, including the articulation of a national development framework and the national budget, the adoption of a new national currency, the first steps in the formation of a national army and a national police and the return to school of some 4 million boys and girls. During the same period, the Independent Human Rights Commission established itself throughout the country, and the groundwork was laid for a number of key national reconstruction and development programmes. Some of these are beginning to reap benefits for the country, such as the road reconstruction programme, the restoration of the power grid, increased agricultural activity, the national

solidarity programme and the national emergency employment programme.

A further step in the Bonn transitional plan was achieved on 4 January with the near unanimous acclamation of the new Constitution. The Constitutional Loya Jirga was to a large degree representative of Afghanistan taken as a whole and included delegates from every province and from communities such as the Kuchis — or nomads — Hindus and Sikhs, refugees, internally displaced persons and the disabled, as well as other minority groups. Women's political participation increased, with women delegates comprising approximately 20 per cent of the Constitutional Loya Jirga.

To the best of our knowledge, there was no widespread pattern of intimidation or fraud, and individual cases of complaints were investigated by an executive committee that overturned electoral results in a number of cases where wrongdoing was established. I am not saying that the process was flawless. This was an exercise that took place in an insecure environment. Security conditions had deteriorated since the Emergency Loya Jirga, and extremists had repeatedly threatened to disrupt the Loya Jirga process. Furthermore, with insufficient security sector reform and practically no disarmament done, factional leaders were left with leverage in the political contest.

The elections also showed a resurgence of some of the factional groupings, with stronger showings than for the Emergency Loya Jirga. This has potential consequences for the forthcoming legislative elections. Jihadi parties organized themselves well in the North-East. Jumbish, a mainly Uzbek organization, took the lead in forming a block of votes from the North, while in Badghis and Herat, for example, the majority were Jamiat, the mainly Tajik party, and Ismael Khan supporters.

Much of the Constitutional Loya Jirga unfolded before the country on live radio and television broadcasts, providing a type of public debate not seen in the country for many, many years. The Loya Jirga reached early consensus on some 120 of the 160 articles of the draft constitution, but it saw difficult debate and hard bargaining on a number of issues. Many of these were issues one would expect to be contentious in any constitutional process: the form of Government, the role of the courts in constitutional review and their relative power versus the executive and Parliament. Other issues were particular to the current Afghan context and were related to local and national identity, including various issues related to language.

There were somewhat worrying but not unexpected signs of polarization along ethnic lines. The Pashtun contingent represented a majority in the Loya Jirga and was particularly intent on redressing some of the perceived political disenfranchisement of the past two years. Its unity of purpose may well influence the remaining stages of the political transition. On other issues, there were complaints that Jihadi leaders used domineering tactics to push for their own agenda, but not with much success. As the Loya Jirga extended beyond its originally planned 10 days into a third week, there were real concerns that agreement might not be reached.

In the end, the delegates proved willing to reach compromises and to make concessions in order to arrive at a text that all could accept, and the Constitution they ratified reflects this balancing of concerns. For example, the strong presidential system has been revised to give the National Assembly greater oversight over presidential appointments. Also, although Pashto is the language of the national anthem, the Constitution recognizes minority languages as official in the areas where they are the language of the local majority. This Constitution requires adherence to international instruments and mandates the Afghan Independent Human Rights Commission to protect and promote human rights. Significantly, the political participation of women is greatly enhanced by the Constitution. At least 25 per cent of the seats of the lower house of Parliament will be reserved for women.

I believe that the new Constitution and the process that achieved it should be a source of pride for the people of Afghanistan. They have proved that, despite the adversity they continue to face, a peaceful constitution-making process could be achieved. The fundamental law they have newly written should, if implemented, provide a solid foundation upon which to continue the task of addressing the real needs that face Afghans on a daily basis.

There is so much to be done that, unfortunately, Afghans and their international partners cannot afford to rest long on the laurels of a successful Constitutional Loya Jirga. From the Loya Jirga itself a number of major tasks immediately present themselves.

First is the task of implementing the Constitution to give life to it. At the closing ceremony of the Loya Jirga, I made the point that President Karzai, his Government and all Afghans will now have the challenge of making of the Constitution they adopted a living reality. This is, of course, the challenge of any constitutional order. However, in Afghanistan, where State institutions remain weak, the capacity of the Government to fulfil the promises of the new Constitution requires a lot of hard work from the Afghans themselves and sustained international assistance. This is all the more pressing because the debate at the Loya Jirga has raised the expectations of Afghans that their Government and its international partners will now deliver on their promise of peace and stability.

The fact that Afghans reached agreement on the new Constitution is a great accomplishment, but ultimately the test of each element of the Bonn process will be whether or not Afghanistan is moved forward towards what I have referred to previously before the Council as the irreversibility of peace. From that perspective, the new constitutional order will have meaning for the average Afghan only if security improves and the rule of law is strengthened. And for too many Afghans, the daily insecurity they face comes not from resurgent extremism associated with the Taliban — destabilizing as that is — but from the predatory behaviour of local commanders and officials who nominally claim to represent the Government.

Thus, if expectations have been raised, they are likely to focus on the needs that have been there since the start of the peace process and remain unmet: the disarmament of factional forces, the protection of the basic rights of every Afghan citizen, the demand for increased reconstruction, the reform of national institutions so that they are more professional and more representative, and reform, also, across the Government to ensure that all Afghans feel that it better represents them.

These are the first major challenges in implementing the Constitution because they remain the challenges of the peace process as a whole. Addressing them will also create the conditions for the success of the national electoral exercises, the legislative drafting processes and the other tasks that are more directly called for in the implementation of the Constitution.

The programmes that make up the security sector reform initiative for Afghanistan are well known to this Council and they are updated in the report of the Secretary-General. Over the past two years of the Bonn process, the creation of a capable, unified and loyal national army and police has certainly shown progress, with the able and committed assistance of the United States and France on the army-building side, and Germany and the United States for the police. But I am sure these partners will not disagree that, two years into the Bonn process, we are not as far as we should be if the central Government is to assert its authority. Further gains could certainly be made if the effort to reform the national security institutions, the Ministry of Defence, the Ministry of the Interior and the intelligence services were to pick up pace as this, too, has been slower than required, in large measure because of limited cooperation in key parts of the Government.

The appointment of a new top cadre of 22 Ministry of Defence officials, welcome as it was, is not enough reform to show for two years of trying. I believe the Afghan people expect more, and so should the international community. As we have discussed before, the security institutions will need to be seen as truly national, rather than factionally dominated, if the national army, the national police and intelligence are to replace the factionalized forces that continue to dominate the landscape. Disbanding the factional structures will also depend on successful disarmament, demobilization and reintegration (DDR), and thus the disarmament and demobilization of the factions and the building of a national army and police are really part and parcel of one and the same effort.

Now, I am afraid that the DDR programme has also not progressed far enough and this, too, is due in large measure to insufficient cooperation from key partners. There can be only two ways to conduct a DDR programme. Involuntary disarmament may be contemplated if one has at one's disposal the forces necessary to compel cooperation. Voluntary disarmament, on the other hand, such as we are pursuing, requires fully cooperative partners. And, so far, cooperation has been measured, at best. With the experience of the pilot projects in Kunduz, Gardez, Mazar-I-Sharif and Kabul to draw upon, the United Nations Assistance Mission in Afghanistan (UNAMA) will be reviewing the DDR programme with its Government and international partners to see whether

improvements might be made and acceleration of the process achieved. It will be necessary to look at an increased incentive structure for mid- and senior level commanders, but I fear that without better cooperation from the faction leaders — who, let us remember, are Government officials — the problem of factionalized armed units will continue to bedevil the peace process.

Having said that, the threat factional forces pose to the peace process has been increasingly compounded by the terrorist tactics of extremists aimed at causing the peace process to fail altogether. The pattern continues of challenging the central Government's authority and disrupting the peace process by attacking targets of opportunity, irrespective of their civilian status, be they Government, non-governmental organization, United Nations or ordinary citizens. In the period since I last briefed the Council, a number of serious attacks have occurred, including, last November, a car-bomb attack on the United Nations compound in Kandahar and the tragic and revolting murder in Ghazni of Bettina Goislard, a staff member of the Office of the United Nations High Commissioner for Refugees. A bomb exploded against the external wall of a UNAMA guesthouse in Kabul mercifully produced no victims. And, on 6 January, another bomb in Kandahar, aimed at Afghan militia forces, killed and injured innocent children and civilians.

The recent attacks and threats must be taken to confirm that the United Nations, as such, is now a target in Afghanistan. These attacks coincide with clear signals that extremist elements calling themselves Taliban or supporters of Gulbuddin Hekmatyar are reorganizing, issuing statements and trying to rally support against the peace process. For months now, these attacks have constricted the area of operations of the United Nations and the non-governmental organization community in the south, east and south-east. This has the effect of blocking reconstruction and development activities and limiting the presence of the Government in the affected areas.

A number of measures have been taken in response. The United Nations Security Management Team has taken steps to minimize United Nations staff exposure to risk, including by increasing security measures at our compounds and reducing staff in high-risk areas. UNAMA will require further funding for these and other protective measures.

The costly and intensive efforts by the United States and Pakistan to interdict extremist elements at the border deserve recognition. At the same time, there are also press reports, generally in the Pakistani press itself, relayed by the media worldwide, about "infiltration of terrorists" from Pakistan, and other reports claiming that Taliban leaders are moving more or less freely in and between cities in Pakistan. It is encouraging that Pakistani and Afghan authorities are now discussing these issues of concern in a positive and constructive manner. I believe it is vital that the two countries continue to cooperate and take all possible measures to address this situation. The strong bonds of history, religion, and culture that unite Afghanistan and Pakistan are well known. Officials and common people alike, in both countries, are well aware that conflict and strife in one country will unfailingly and directly affect the other. The growing cooperation between the two countries against terrorists, criminals and other spoilers deserves to be recognized, encouraged and strongly supported.

I should also note here that, in my view, much more can and should be done by the Government of Afghanistan to ensure that in the areas where the Taliban and other extremists are operating they do not gain from dissatisfactions in the population. The Government, along with UNAMA, United Nations agencies and international security forces, is working out integrated packages to improve district level governance, strengthen the formal and traditional justice system, increase the presence of police and reach out with focused reconstruction assistance to communities. These so-called "provincial strategies" will focus first on areas in the south and elsewhere suffering from insecurity, poor governance, marginalization for geographical or political reasons and a sense of isolation. There is also more that the Government can do to reach out to those individuals and groups that have not been part of the process so far but that are not responsible for criminal activities and are willing to participate peacefully in the rebuilding of their country.

As the Secretary-General makes clear in his report, the deterioration in security continues at precisely the time when the peace process requires the Government and the United Nations to broaden their presence in the field, to complete the electoral registration and other activities, such as the census and ongoing reconstruction programmes. As the report

further points out, throughout the constitutional process, the threat was mitigated by limiting exposure, by not holding new district level elections and by concentrating activities in urban centres protected by available security resources. However, recent attacks in urban areas are challenging that approach for the registration of voters. Naturally, the national electoral registration and, later, polling exercises cannot be conducted from behind a hardened compound wall. Electoral teams must go to the voters, and each eligible and willing voter must be served directly at the village level.

UNAMA and the interim electoral commission are planning to absorb into the Afghan Electoral Commission's secretariat staff from the constitutional secretariat. They may be better able to travel and work locally than international staff. However, if the process itself is targeted, then I am afraid that Afghan nationality may not be a sufficient source of protection. Furthermore, successful electoral exercise will require more than security for electoral staff; it will require an environment that allows for a fair political contest. The prominence at the Loya Jirga of leaders who continue to wield personal control over factional forces raises serious concerns in this regard and reminds us once again of the need for accelerated security sector reform, for DDR and for increased international security assistance.

It is too early to draw lessons from the first two years of the Bonn process, but I firmly believe that one clear lesson relates to the difficulty of carrying out post-conflict transitional processes without equivalent and dedicated security assistance. Until Afghan security institutions are further built up, there will be a need in other parts of the country for the sort of assistance that the International Security Assistance Force (ISAF) has so ably given in Kabul.

UNAMA, along with almost all Afghans, received with great anticipation the news of the resolution adopted by the Council providing for the expansion of ISAF. The recent launch of the German provincial reconstruction team (PRT) in Kunduz is a welcome sign that some form of expansion is beginning in earnest. My colleagues and I at UNAMA have met with NATO planners on the ground, and we look forward to the creation of more ISAF-led PRTs. Also welcome is the intention of the United States to create a broader PRT presence in the south. The PRT concept has proved to be of value, particularly where they have focused their activities on improving security conditions.

While I continue to believe that the PRTs are a "second best" to a straightforward expansion of ISAF's peacekeeping functions, I do hope that they will be given the resources and the mandate to help accelerate security sector reform, participate in the Government's and UNAMA's efforts to manage and defuse local tensions and, more generally, help coordinate security support for the Bonn process — all the more so if there is some capacity for ISAF to conduct forward deployments of more robust forces when and where necessary, as I understand is being considered.

It is cause for concern, however, that the pace of PRT deployment is running behind that of the political process. The presidential elections will require improved security, and the legislative elections even more so. As the Secretary-General notes in his report, it might be possible to hold presidential elections with a few areas of the country remaining off limits, although that has its risks. Doing so with legislative elections, however, would mean disenfranchising people along ethnic lines, and that would not be tenable. Therefore, I would urge the members of NATO and other countries contributing troops to ISAF to take all measures possible to provide ISAF with the resources necessary to expand sooner rather than later.

I have taken much of the Council's time, but, if I may, I should like to say a few words about drugs. One of the most worrying aspects of the drug trade is how much the Afghan economy — and therefore the population — is coming to depend on it. The *Afghanistan Opium Survey 2003*, conducted by the United Nations Office on Drugs and Crime (UNODC), estimates that the income of opium farmers and drug traffickers in 2003 — totalling an estimated $2.3 billion — was equivalent to more than 50 per cent of the country's gross domestic product. It is also estimated that, in 2003, 1.7 million people — representing approximately 7 per cent of the population — were involved in farming the opium poppy. Also in 2003, the opium poppy was grown in 28 out of the country's 32 provinces. Those statistics are all the more alarming when one considers that, according to the preliminary results of the UNODC farmers' intentions survey, conducted in the latter half of 2003, farmers are intent on growing the opium poppy again in 2004 and with greater intensity.

The central Government has shown a commitment to tackling the problem. But to date, efforts have concentrated on building the capacity of Government institutions such as the Counter-Narcotics Directorate and the counter-narcotics police of Afghanistan and on drafting legislation. While those activities are indeed essential in the long-term fight against drugs, they have not had an immediate effect on the amount of opium cultivated or trafficked.

Drug interdiction campaigns will also have to be intensified. That responsibility is shared by all authorities involved in law enforcement, including the counter-narcotics police, the border police and all military forces in the country. However, as is recognized by the Afghan national drug control strategy, the problem will not be solved over the long term without development and achievements being made in other sectors, including in providing alternative livelihoods, in building up the judicial and penal systems and in reducing demand for opium derivatives both domestically and abroad. The Government; the United Kingdom, as lead nation; and the UNODC are working together and with others to meet those formidable challenges.

At the outset, I said that Afghanistan had achieved much in the past two years. However, as I believe I have said before to the Council, those achievements also mean that there is now even more to lose and more to protect. The Afghans and their international partners — including the Council — will have to chart the way forward carefully. The success of the Constitutional Loya Jirga and of the political debate that has begun does offer hope, but it is a success that must be quickly capitalized on, lest it do no more than raise false expectations.

And I believe the key challenges that must quickly be addressed remain the same today, after the Loya Jirga, as they were described in the Secretary-General's report before the Loya Jirga: broadening the popular base of the Government and strengthening a system of governance based on the rule of law; improving security; and increasing the pace of reconstruction and service delivery.

There are many indications that, in those three areas, not enough progress is being made, and some of the gaps may even have widened over the past year. On the security front, those indications are many, and they have been detailed often to the Council. Concerning the base of popular support for the Government, for example, there were clear indications at the Loya Jirga of disaffection among Pashtuns who thought they were not receiving a fair degree of representation in the Government. On the reconstruction front, the assistance in the south, the east and the south-east is slowly decreasing because of insecurity. In the economic field more generally, the Minister of Finance has noted that the hurried estimates carried out at the height of the crisis for the 2001 Tokyo conference need to be revisited, and he is conducting a re-costing exercise to determine actual investment needs in order to achieve basic financial sustainability and to prevent the domination of the national economy by the narcotics industry.

Following its visit to Afghanistan in early November, the Council recommended that the Secretary-General explore ways to give new impetus to the Bonn process. His report discusses some of the possibilities, and he again alluded to them in his statement a moment ago. UNAMA circulated a non-paper on the subject in Kabul to the Government and the diplomatic corps. The paper noted that a second Bonn-type conference was one possible way to re-energize the commitment of all concerned to address the three gaps in the peace process that I just mentioned. Some interlocutors observed that there may be other means to address these gaps, and that a large conference is perhaps not necessary. However, what is important and, I personally believe, very urgent, is that some means are identified in order to improve and accelerate the performance of the Government and its international partners in implementing the Bonn process, lest these gaps undermine the progress that has already been made.

As I near the end of my far-too-long briefing, I would like to thank the Council once again for the remarkable support that it has shown for Afghanistan. The coherent and sustained support of the Council, and the generosity and close collaboration of the wider international community, have been essential to the progress made.

Furthermore, I cannot conclude today's briefing without a few words about the people whom I left behind in Afghanistan — first, an expression of profound gratitude, respect and admiration to President Hāmid Karzai. It was a privilege to know and work with such an Afghan patriot, dedicated to his country and his people, modest, honest and selfless. I cannot

thank him enough for the frank, open and close cooperation I have consistently enjoyed with him. I would like, from here, to wish him, once again, success in his noble mission.

My thanks go also to the members of President Karzai's Government for their cooperation and patience. Many have become close friends, and I wish them well. It is also important to me to salute, from here, the people of Afghanistan. I am proud, and I believe that the Council and the United Nations at large can be proud, too, of the confidence that the overwhelming majority of the people of Afghanistan have in the United Nations. A few days ago, at a particularly tense and difficult moment during the Loya Jirga, a delegate, speaking from the rostrum, said that they, the delegates, had full confidence in UNAMA. That was humbling to all of us, and we are grateful to the people of Afghanistan for the warmth of their feelings towards this Organization and towards the men and women — Afghans and non-Afghans — who are working for the United Nations over there.

It is also my pleasant duty to say a word about colleagues and friends in UNAMA and the rest of the United Nations country team in Afghanistan. Speaking the other day in Kabul, I said that the secret of whatever success I had been fortunate to achieve in Afghanistan was that I had a team of particularly talented and dedicated colleagues — I just watched them work and took the credit for their achievements. To all of them, I will simply say, "Thank you, my very dear friends and colleagues, and may God protect you as you continue the good work you are doing in Afghanistan".

I would like to recognize, too, our colleagues here at Headquarters: the Deputy Secretary-General, the Executive Office of the Secretary-General, the Department of Peacekeeping Operations, the Department of Political Affairs and all other departments, as well as those in other parts of the United Nations — the agencies, funds and programmes — for the unfailing support we received from all of them.

Last but not least, may I say how deeply indebted I feel to the Secretary-General. Throughout these very long months — first in New York when we were preparing the Bonn Conference, then in Bonn and, later, in Kabul — he was always there for us, ever supportive and protective, always encouraging us and reassuring us in moments of doubt. I thank him most sincerely and look forward to continuing to serve this Organization under his inspiring leadership.

The President (*spoke in Spanish*): I thank Mr. Brahimi for his forceful, important and comprehensive briefing, reflecting the outstanding work that he has done in Afghanistan. That is a tribute not only to the Secretariat, but to the Organization as a whole.

In accordance with the understanding reached in the Council's prior consultations, I should like now to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.05 a.m.

United Nations S/PV.4894

Security Council

Fifty-ninth year

Provisional

4894th meeting

Thursday, 15 January 2004, 3 p.m.

New York

President:	Mr. Muñoz	(Chile)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	China	Mr. Jiang Jiang
	France	Mr. Duclos
	Germany	Ms. Cadenbach
	Pakistan	Mr. Khalid
	Philippines	Mr. Mercado
	Romania	Mr. Motoc
	Russian Federation	Mr. Konuzin
	Spain	Ms. Jiménez
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Cunningham

Agenda

The situation concerning the Democratic Republic of the Congo

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-20797 (E)

The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

The President (*spoke in Spanish*): I should like to inform the Council that I have received letters from the representatives of Belgium and the Democratic Republic of the Congo in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Ileka (Democratic Republic of the Congo) and Mr. Cools (Belgium) took seats at the Council table.

The President (*spoke in Spanish*): The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/25, which contains the text of a draft resolution prepared in the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

The President (*spoke in Spanish*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1522 (2004).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 3.15 p.m.

United Nations S/PV.4895

Security Council

Fifty-ninth year

Provisional

4895th meeting

Friday, 16 January 2004, 10.30 a.m.

New York

President:	Mr. Muñoz	(Chile)
Members:	Algeria	Mr. Baali
	Angola	Mr. Augusto
	Benin	Mr. Zinsou
	Brazil	Mr. Valle
	China	Mr. Wang Guangya
	France	Mr. Duclos
	Germany	Mr. Trautwein
	Pakistan	Mr. Khalid
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Konuzin
	Spain	Mr. Arias
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Negroponte

Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-20913 (E)

The meeting was called to order at 10.45 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs. I now give him the floor.

Mr. Prendergast: I regret that, in briefing the Council today, I must confirm what we all know: that the past month has brought little or nothing by way of substantive moves towards peace. The narrow window of opportunity cited by Terje Roed-Larsen, Special Coordinator for the Middle East Peace Process and Special Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, in his briefing to the Council last month, has not opened wider. The peace process remains stalemated.

This situation is tragic. It is also frustrating, because the solution is evident, although to implement it would require courage and the political will to take risks for peace. The peace process will resume only when both parties recognize that their mutual concerns must be addressed through parallel steps, and not in a sequential manner littered with preconditions. Parallel steps are the approach adopted by the road map. If it is to succeed, a basic requirement is that Palestinians and Israelis acknowledge and address each other's core concerns.

The Government of Israel's most basic concern remains the security of the State and of the Israeli people. In response, as a necessary first step, the Palestinian Authority should take effective action to halt all acts of terror and violence against Israelis. The Palestinians' most basic concerns are territory and viability — meaning the end of occupation and the establishment of an independent, sovereign and viable State in the West Bank and Gaza Strip. In response, and also as a necessary first step, the Government of Israel should take effective action to halt settlement expansion, the construction of the separation barrier and all actions that work against the contiguity — and therefore the viability — of the State.

Despite initial contacts between the new Palestinian Government and the Government of Israel, both parties have continued to ignore each other's core concerns. Be it with regard to terror or territory, they have fallen short of carrying out their preliminary, Phase I commitments under the Quartet's road map.

The Palestinian Authority took no tangible measures during the past month to establish control over the various groups that use violence and terror. It has so far failed to reform its security apparatus or — as called for in the road map — to consolidate it under the single authority of an empowered interior minister. There is no indication that the Palestinian Authority intends to do so in the near future. At the same time, Palestinian militant factions have so far failed to agree on a comprehensive cessation of violence, although they continue their dialogue thanks to the tireless and very welcome efforts of the Government of Egypt.

Although Palestinian violence declined considerably overall last month, the absence of clear action on security makes it difficult for the Palestinian Authority to claim responsibility for this trend. In fact, the Government of Israel perceives the decline in violence as being the result of its military and security measures. In addition, the last month has seen a worrying deterioration in the Palestinian Authority's capability to maintain domestic law and order. If this trend continues, there could be more unrest on the Palestinian street, with negative repercussions for the governing control of the Authority.

The Government of Israel — including Prime Minister Sharon — has repeatedly committed itself to implementation of the road map. However, such statements have not been matched by action. Israel has not fulfilled its core commitment to remove all settlement outposts erected since March 2001 and, as

the security situation improves, to implement a complete settlement freeze. Quite the opposite has happened. Settlement outposts have increased and the Government of Israel is proceeding with the construction of the West Bank barrier. Together with other settlement infrastructure and a tight closure policy, this construction is fragmenting the West Bank into non-contiguous patches of territory and is eroding Palestinians' trust in the peace process. If this process continues, the West Bank will look more like Bophuthatswana than the basis for a viable and independent State.

In the face of this discouraging situation, the international community must maintain its involvement in the peace process. The Security Council adopted resolution 1515 (2003) calling for the implementation of the road map, and this sends a very positive signal to the parties. The General Assembly has asked the International Court of Justice to provide an advisory opinion on the legality of construction of the separation barrier. Quartet representatives continue their informal and ground-level consultation on how to bring the parties to implement the road map. However, it is all too apparent that the parties need a more vigorous involvement of the key players in the international community.

Both parties have explanations as to why the peace process appears deadlocked and why neither is implementing its road map commitments.

The Palestinian Authority explains that, to muster enough domestic support to act swiftly against violence and terror, it must have a political horizon. In its view, Palestinian extremists are strengthened by such Israeli actions as settlement expansion, barrier construction, tight closures, house demolitions and extrajudicial killings. If Israel ended these practices, the Palestinian Authority could, it says, more easily rally support among the Palestinian people and better confront extremists.

The Government of Israel explains that it continues these measures because it sees no genuine Palestinian action on security and terrorism. Thus, Israel will be ready to fulfil its commitments under the road map, it says, only when the Palestinian Authority acts swiftly against militant groups and dismantles what it terms the "terrorist infrastructure".

Unfortunately, developments on the ground during the last month have reinforced both parties' justification of the stalemate. In particular, both sides experienced a continuation of violence. Since our last briefing, 58 Palestinians have been killed. During the same period, 11 Israelis were killed. Almost 440 Palestinians and 65 Israelis have been wounded. On 25 December, a suicide bomber struck in the heart of Israel, killing four people and wounding more than 20 civilians. Yet again, on 14 January, a suicide bomber killed four Israeli soldiers and wounded 10 at Gaza's Erez crossing. In addition, more than 62 mortars and 38 rocket attacks on Israeli targets were launched from Palestinian areas.

Israel has resumed extrajudicial killings. On 25 December, Israeli helicopters fired two missiles at a civilian vehicle in Gaza City, killing two Palestinian militants and three bystanders and injuring 12 civilians. On 8 January, Israeli special forces assassinated a 31-year-old Palestinian national security officer. House demolitions have continued. During the reporting period, the Israeli authorities demolished 36 houses in Nablus, Hebron and the Jerusalem area.

The Israel Defence Forces (IDF) launched at least 15 incursions into Palestinian towns, villages and refugee camps, which often included the use of disproportionate and deadly force in civilian areas. An incursion into Rafah on 23 December took the lives of eight Palestinians and injured dozens of people, with children and civilians among the casualties. The Secretary-General strongly condemned the Israeli incursion and reminded Israel of its responsibilities as an occupying Power under international law.

Since the middle of December, the IDF has carried out almost daily major incursions into Nablus. On 26 December — the day after a terror attack — it launched a full-scale military operation in the historic old city of Nablus. To date, 10 Palestinians have been killed and more than 50 injured in Nablus. Several historic buildings and houses were damaged or destroyed. The old city was placed under almost continuous curfew and movement limited to humanitarian agencies.

The situation on the ground continues to cause great harm to the Palestinian economy. Israel's ongoing internal and external closures of the occupied Palestinian territory remain the central impediment to economic stabilization and recovery. Slight economic improvement has been observed in places, in part through IDF troops moving out of some of the major

Palestinian cities. But closure remains the defining reality for these areas, with roadblocks and, in some places, construction of the barrier almost completely halting movement. The closure system continues to impede the international community's efforts to deliver emergency and humanitarian aid. Improvements here and there will not change the rapidly deteriorating overall trends; only a political agreement can reverse those trends.

There have been some particularly disturbing economic developments that may have serious political and humanitarian consequences and further derail the peace process. At a major donor meeting of the Ad Hoc Liaison Committee held in Rome in December, donors and the parties discussed the first substantive review of the rising costs and complexity of aid delivery. One of the glaring examples was the direct costs of closure borne by the United Nations Relief and Works Agency for Palestine Refugees in the Near East alone — a total of $22,000 each day.

Furthermore, we are starting to witness serious signs of donor fatigue, which would have dramatic consequences both for the financial status of the Palestinian Authority and for the ongoing humanitarian relief effort. The Authority's financial situation is perilous, with the budgetary shortfall for 2004 estimated at $650 million. Donors' direct budget support dropped from $531 million in 2001 to $230 million last year. Palestinian tax revenues transferred by Israel are diminishing. Although Israel has handed over most of the withheld revenues, $190 million are still blocked by Israeli court orders.

The Palestinian Authority's expenditures are now outpacing revenues by $30 to $40 million per month. As a result, the Authority could not meet all its financial and budgetary obligations in December and was forced to cut further salaries, pensions and social support, even after it resorted to borrowing from the banks. At this stage, it is not clear how January public sector salaries will be paid, let alone other expenditures.

In response to this budgetary crisis, Prime Minister Abu Allah, Minister of Finance Fayyad and other Palestinian Authority officials have made major efforts to raise funds from western and Arab donors, but have had only modest success. Recognizing that the Palestinian Authority faces bankruptcy, the World Bank suggested at the Rome Ad Hoc Liaison Committee meeting that a trust fund be created to generate additional budgetary support from donors. That effort is now under way, and it deserves the support of the international community.

Against this backdrop of violence, misery and stagnation, both parties have threatened unilateral steps. Prime Minister Sharon stated his intention to implement unilaterally a separation plan if he concludes that the Palestinian side has failed to take effective action against violence. The Palestinian Authority, for its part, declared that it reserves the right to declare statehood unilaterally if Israel resorts to unilateral separation or, indeed, to reject the two-State solution altogether.

It must be stressed that in such a protracted conflict, unilateralism is a policy that will fuel additional violence, hatred and hostility. Peace and security can be achieved only when both sides work out a solution together, across the negotiating table, in the framework of recognized international agreements and with the active support and involvement of the international community.

It is still possible to move towards a negotiated settlement that would bring peace and security to the Middle East. The road map remains a viable and pragmatic plan. It outlines practical and reasonable steps that, if taken, would move the parties towards the achievement of a vision of two States, Israel and Palestine, living side by side in peace and security. It also outlines a framework for resuming negotiations between Israel and both Syria and Lebanon, taking all parties towards a comprehensive peace based on Security Council resolutions 242 (1967) and 338 (1973) — an outcome that is essential for long-term peace and stability in the Middle East. Yet the implementation of the road map needs recognition by the parties that unilateralism does not pay and that they should fulfil their obligations in parallel. It also requires the strong and consistent engagement of the international community, led by the Quartet.

As the Council knows, the calm that has long characterized the Israeli-Syrian front was broken last October. Since then, tension and threats of further hostile actions have been frequent. Recently, worrying reports outlined an Israeli plan to expand settlements on the Golan Heights. Although the reliability of those reports remains unclear, it should be noted, in any case, that settlement activities are illegal and must stop.

A resumption of the peace process on the Syrian and Lebanese tracks is needed to avoid a potential deterioration of the situation along this front. President Al-Assad of Syria has asked Israel to resume peace talks. We believe that it would be in the interest of peace and security that Israel respond positively to that overture. Resuming negotiations between the two countries would also renew hopes for peace in the region, reduce tension and enhance stability at a critical juncture.

Since the last briefing to the Security Council, the Blue Line between Lebanon and Israel has been calm, though still tense. On at least four occasions, Israeli jets have violated Lebanese airspace. We reiterate our calls on the Government of Israel to comply with Security Council resolutions 425 (1978) and 1310 (2000) and to refrain from such violations. There were no reports of anti-aircraft fire from Lebanon on any of those occasions, and we commend that restraint.

On 12 December and again on 4 January, the Israel Defence Forces informed the United Nations Interim Force in Lebanon (UNIFIL) that it had identified explosive devices on the Israeli side of the Blue Line. That development posed a risk to lives on both sides of the Line and had the potential to destabilize the area. We urge all parties to refrain from any actions that could lead to such destabilization, and we call on the Government of Lebanon to establish full control over south Lebanon in order to ensure that international peace and security prevail.

It is quite clear that the peace process in the Middle East has suffered serious setbacks. The hopes that were generated in Madrid in 1991 and in Oslo in 1993 now appear as distant memories. Yet the stakes are too high for us to allow the region to sink into despair and conflict.

The road to peace is clear. It is spelled out in Security Council resolution 1515 (2003), which endorses the road map. The international community agrees on the end goal: a comprehensive peace based on Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002). We must revive our collective efforts to persuade the parties to move towards that goal. The dangers of inaction are great. Time is on no one's side.

The President (*spoke in Spanish*): I thank Mr. Prendergast for his comprehensive briefing on the situation in the Middle East, including the Palestinian question. Regrettably, his report gives no cause for optimism for the moment, but we thank him for the report's comprehensiveness and thoroughness.

In accordance with the understanding reached in the Council's prior consultations, the Council will now hold informal consultations to continue its consideration of the matter.

The meeting rose at 11.05 a.m.